

CA4 ON HBL AOS  
C5/P4  
1991

URBAN/MUNICIPAL

July 24 - Aug 1991

Agendas/minutes  
of the Planning and  
Development Committee







URBAN/MUNICIPAL  
CA4 ON HBL A05  
C51P4

1991



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## THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

HAMILTON, ONTARIO  
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TEL: 546-2700  
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1991 July 18th

### NOTICE OF MEETING

Planning and Development Committee

Wednesday, 1991 July 24th

9:30 o'clock a.m.

Room 233, City Hall

Susan K. Reeder  
Secretary

### AGENDA

1. Consent Agenda.

#### ALDERMAN M. KISS

2. Kirkendall/Strathcona Neighbourhood Association - Round House. (no copy)

#### BUILDING COMMISSIONER

3. Emergency Loan Programme extension.
4. Amendment to Administrative Charges.
5. Demolition - 105 Aberdeen Avenue. (Information on status)

#### DIRECTOR OF PUBLIC WORKS

6. Programme for renewal, improvement, development and economic revitalization (P.R.I.D.E.) Anti-Recession (previously tabled).





**DIRECTOR OF PROPERTY**

7. Ground Lease Amending Agreement - Lloyd D. Jackson Square - 4th Phase Loading Dock.
8. Sale of City-owned land at 10, 12, 14, 24 Gerrard and 221 Brant Street to Philip Enterprises Inc. and termination of lease for 10, 12, 14, 24 Gerrard with Philip Enterprises.

**REQUEST FROM CITY COUNCIL**

9. City Initiative to rezone City-owned property at 1100 Limeridge Road East.

**RESOLUTIONS**

10. Co-Operative Housing Federation of Canada - continuation of government sponsored non profit co-op housing.
  - (a) Report - General Manager, Housing Department.
11. City of Scarborough - Second Units: Requested Provincial Government Action.
  - (a) Report - Commissioner of Planning and Development.

**REQUEST FOR COMMENTS**

12. Regional Chairman's Task Force on Affordable Housing.
  - (a) Report - Commissioner of Planning and Development.

**DIRECTOR OF LOCAL PLANNING**

13. Proposed Official Plan Amendment and Rezoning, south side of Spring Gardens Road (former Easterbrook Property), City of Burlington.
14. Authorization for Public Meeting - Carter Square Neighbourhood Plan Amendment, Beasley Neighbourhood.



1. The first part of the report

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18. The eighteenth part of the report

19. The nineteenth part of the report

20. The twentieth part of the report



### ZONING APPLICATIONS

#### 10:30 O'CLOCK A.M.

15. Zoning Application 89-105, Di Cenzo Construction, owner, for a change in zoning from "AA" to "C" for land in the area north of Rymal Road East and west of Upper Gage Avenue; Eleanor Neighbourhood.
16. Subdivision Application 27T-88037 and Zoning Application 91-21, Rymal Gardens Inc., owner, for a change in zoning from "C" to "R-4" and "RT-20" for land in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street; Chappel West Neighbourhood.
  - (a) Submission - Hamilton Board of Education.
17. Zoning Application 91-20, F. Manganiello (In Trust), owner, for a change in zoning from "L-mr-2" to "H" for properties at 87, 89, 91, 93, 95 Wellington Street North and 216 Wilson Street; Beasley Neighbourhood.
  - (a) Submission - owners, 82-90 Wellington Street North.

#### 10:45 O'CLOCK A.M.

18. Zoning Application 91-25, W. Zolis, owner, for a modification to the "M-13" District regulations for property at 1175 Stone Church Road East; Trenholme Neighbourhood.
19. Zoning Application 91-29, L. Di Marcantonio, owner, for a modification to the "M-14" District regulations for property at 90 Lancing Drive; Rymal Neighbourhood.
20. Zoning Application 91-33, G. Del Sordo, owner, for a modification to the "M-14" District regulations for property at 135 Nebo Road, Rymal Neighbourhood.



## THEORY OF THE EARTH

### CHAPTER I

The earth is a sphere, and its surface is covered by water. The land is divided into continents and islands. The atmosphere is the layer of gas that surrounds the earth. The hydrosphere is the layer of water that covers the earth. The lithosphere is the layer of rock that makes up the earth's crust.

The earth is made of different layers. The outermost layer is the crust. Below the crust is the mantle. At the center of the earth is the core. The crust is the thin layer of rock that we live on. The mantle is the layer of hot, molten rock below the crust. The core is the innermost layer, made of iron and nickel.

### CHAPTER II

The earth is constantly changing. The land is being created and destroyed. The water is moving and changing. The atmosphere is being polluted. The earth is a dynamic system, and it is always in a state of flux. The changes are caused by natural forces, such as earthquakes, volcanoes, and erosion.

### CHAPTER III

#### THE EARTH'S CLIMATE

The climate of the earth is determined by the balance of energy. The sun provides the energy that heats the earth. The earth's surface and atmosphere lose energy to space. The balance of energy determines the temperature of the earth. The climate is the average weather over a long period of time.

The climate is changing. The temperature is rising. The sea level is rising. The weather is becoming more extreme. The changes are caused by human activities, such as burning fossil fuels and deforestation. The changes are a threat to the environment and to human health.

The climate is a complex system. It is influenced by many factors, such as the sun, the earth's surface, and the atmosphere. The climate is a dynamic system, and it is always in a state of flux. The changes are caused by natural forces and human activities.



11:00 O'CLOCK A.M.

21. Zoning Application 91-06, M. and L. Spandonidis, owners, for a modification to the "C" District regulations for property at 21 Lottridge Street; Stipeley Neighbourhood.  
  - (a) Submission - E. Pond, 25 Lottridge Street.
22. Zoning Application 91-23, 766284 Ontario Ltd. ( A. Goulding and H. Jacobs), owners, for changes in zoning from "AA" and "G-3" to "E" for land at the rear of 141 Highway No. 8; Riverdale East Neighbourhood.  
  - (a) Submission - Mr. & Mrs. Johnstone, 271 Highridge Avenue, Stoney Creek.
23. Zoning Application 91-27, John Paisley (In Trust), owner, for a request for the removal of the "H" (Holding) symbol for 1405, 1411, and 1417 Upper James Street.
24. Other Business.
25. Adjournment.







## OUTSTANDING LIST

### PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
P6-8-3-Lapp Property Beddoe Drive and Studholme Road	1990 Dec. 5	Committee	Modified Neighbourhood Plan Review being conducted
ZA 90-96 - North Side of Rymal Road East and east of the Hydro-right-of-way	1991 Mar. 20	Committee	Tabled per Applicant's request
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed







<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
ZA 90-88-1425 & 1429 Upper James Street	1991 May 8	Committee	Tabled due to Applicant's absence
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report
Jamesville B.I.A. Petition requesting disbanding.	1991 June 19	Community Renewal, Public Works	Tabled & Pending report.
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending





**PLANNING AND DEVELOPMENT COMMITTEE MEETING**  
**WEDNESDAY, 1991 JULY 24TH**  
**C O N S E N T   A G E N D A**

**MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE**

- A. Minutes of the Planning and Development Committee meetings held on Monday, 1991 June 24th and Wednesday, 1991 June 19th.

**BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS**

- B. 780 Upper Paradise Road.  
C. 493 Rennie Street.  
D. 485 Beach Boulevard.  
E. 443 Woodward Avenue.

**BUILDING COMMISSIONER - COMMERCIAL FACADE LOAN PROGRAMME**

- F. 259 Ottawa Street North.

**BUILDING COMMISSIONER - COMMUNITY HERITAGE TRUST FUND**

- G. 172-176 Locke Street South.  
H. 74 George Street.  
I. 72 George Street.  
J. 260 MacNab Street North.

**COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES -  
CASH PAYMENT IN LIEU OF 5% PARKLAND DEDICATION**

- K. Edan Heights, Phase One.  
L. Crerar Place and South Hill, Phase One.

**LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

- M. Designation - Zion United Church.

**MANAGER OF PURCHASING**

- N. Landscaping and Construction of Park Maintenance Building, Stipeley/Crown Point West P.R.I.D.E., Phase 2.

**DIRECTOR OF PUBLIC WORKS**

- O. Confirmation of action taken in removing an Information Kiosk located at the north/west corner of John and King William Streets.





Monday, 1991 Ju  
7:00 o'clock p.m.  
2nd Floor Foyer,

A.

A Public Meeting to consider the Proposed Amendments to the Official Plan and the Zoning By-law for the "M" (Prestige Industrial) District was held.

**There were present:** Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice-Chairman  
Alderman M. Kiss  
Alderman V. Formosi  
Alderman H. Merling

**Regrets:** Mayor Robert M. Morrow - City Business  
Alderman W. McCulloch - City Business  
Alderman D. Wilson - City Business  
Alderman D. Ross

**Also present:** Alderman T. Jackson  
Mr. P. Mallard, Planning Department  
Mrs. J. Hickey-Evans, Planning Department  
Mr. W. Wong, Building Department  
Mrs. Susan K. Reeder, Secretary

Mrs. J. Hickey-Evans of the Planning Department reviewed the staff report outlining the various proposals with respect to the "M" (Prestige Industrial) District uses and regulations. She also made reference to a handout placed on the chairs, respecting the Official Plan Amendment No. 276, as well as examples from the Standard Industrial Classification Manual.

She concluded by indicating that written submissions are requested up to the end of 1991 July, and that a second Public Meeting on this matter will be held in 1991 September.

The Chairman introduced members of Council who were in attendance at the meeting.

The members of the Committee then asked questions about the report to staff.

Mr. Paletta, Paletta International, 21 Brockley Drive, Stoney Creek, spoke to the Committee. He complained of the short notice about the meeting and indicated that he was unhappy about having to purchase the Study report.

Mr. Paletta then made reference to several points of concern. He indicated that the "M-12" District should allow Banks and Restaurants. He also spoke to the set-back requirements of 90 metres and questioned who they would apply to, i.e. Commercial or Industrial? He also encouraged Council to leave the sign By-law as it is, since he indicated that it is one of Hamilton's advantages in attracting businesses to the area.

Mr. Gerry Oltean, 42 Trinity Church Road, spoke to the Committee and questioned how the Study proposals will affect properties south of Highway 53, east of Glovers Road. It was indicated to him by Mrs. Hickey-Evans that presently this land is zoned "AA" and will not be touched. She added that these lands are designated for Industrial use.

Jennifer Mason, Bigwin Road, requested clarification on Anchor Road and it was clarified that it is a dead-end street.

Mr. Saul Gardzia, 90 Lansing, questioned why the "M-14" District is not being recommended for amendments.

Wednesday, 1991 June 19  
9:30 o'clock a.m.  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice-Chairman  
Mayor Robert M. Morrow  
Alderman F. Formosi  
Alderman D. Ross  
Alderman M. Kiss  
Alderman D. Wilson  
Alderman H. Merling  
Alderman W. McCulloch

Also present: Alderman T. Murray  
Alderman B. Hinkley  
Alderman J. Gallagher  
Alderman G. Copps  
Mr. G. Korz, School Trustee, Hamilton Board of Education  
Mr. A. Georgieff, Director of Local Planning  
Mr. D. Powers, Law Department  
Ms. M. Domagala, Planning Department  
Mr. M. Watson, Real Estate Division, Property Department  
Mrs. V. Grupe, Planning Department  
Mr. D. Godley, Planning Department  
Ms. J. McNeilly, Community Renewal Section, Public Works Department  
Mr. J. Robinson, Community Renewal Section, Public Works Department  
Mr. P. Lampman, Deputy Building Commissioner  
Mr. D. Vyce, Director of Property  
Mr. L. King, Building Commissioner  
Mr. R. Karl, Traffic Department  
Mr. K. Brenner, Regional Engineering  
Mrs. J. Hickey-Evans, Planning Department  
Mr. B. Allick, Building Department  
Ms. J. Pacey, Community Renewal Section, Public Works Department  
Mr. J. Sakala, Planning Department  
Mrs. N. Chapple, Planning Department  
Ms. C. Coutts, City Clerk's Office  
Mrs. Susan K. Reeder, Secretary

## **REGULAR AGENDA**

### **2. Rental Housing Protection Act Application C.D. 90-001 to convert 58 residential apartments to residential condominiums - 222 Concession Street.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 11, respecting the above-noted matter. The Committee was also in receipt of submissions from the following:

- (a) Submission - Hazel D. Hunt, 222 Concession Street, Apt. 303.
- (b) Submission - Miss Linda Lowry, 222 Concession Street, Apt. 406.

Mr. Albert Faccenda and Mr. Lloyd Ripani, owners of the apartment building were in attendance.



Ms. Domagala of the Planning Department presented the staff report and outlined their reasons for recommending denial of this application.

Mr. Faccenda spoke on why the application should be approved and referred to the support of the area residents.

Mr. Monte, spokesman on behalf of the residents of the apartment building spoke and outlined the history to-date of this application and the residents view that they do not wish to see this apartment converted to condominium use. At the conclusion of his presentation, he asked if all those in attendance were in agreement and all those persons stood in support of his presentation.

Mr. Frankentini, Apartment #310, at 222 Concession Street, spoke in support of the comments made by Mr. Monte.

Mr. Ripani, co-owner of the apartment building, responded and indicated that the current tenants would not be affected and not required to purchase their units as condominiums. He added that tenants would be able to continue living in the units they presently do and changes would only enhance the building. He stressed that no one has to move. He also added that long-term leases will be provided but to the tenant's advantage, in that the tenant will not be bound to it, and can move out if they wish to. He also spoke of the age of the building (30 years) and the upcoming need for upgrades to be made and the present legislation being cost prohibitive for apartment building owners in making these upgrades.

Mr. Faccenda, co-owner, also responded and indicated that sections under the Rental Housing Protection Act are very prohibitive for any type of conversions and should be changed.

Mr. Monte presented the Clerk with numerous letters of objections from tenants in the apartment building.

The Committee then discussed this matter at some length and approved the following:

That the Ontario Rental Housing Protection Act Application No. CD90-001 for the conversion of 58 rental units to condominiums at 222 Concession Street be denied.

1. CONSENT AGENDA

A. MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

The Committee was in receipt of the minutes of their last meetings held Wednesday, 1991 May 8th and Wednesday, 1991 May 22nd and approved these minutes.

**BUILDING COMMISSIONER****B. Demolition Permit Applications**

The Committee was in receipt of numerous reports from the Building Commissioner, respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the following properties:

- (a) 718 Stone Church Road East
- (b) 60 Ofield Road
- (c) 505 Wellington Street North
- (d) 12-16 Douglas Street
- (e) 98-102 Burton Street
- (f) 358 East 43rd Street
- (g) 163 Stone Church Road East

**C. City of Hamilton Heritage Programme Applications**

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 12, respecting a City of Hamilton Heritage Programme for property at 27 Bold Street.

The Committee approved the following:

That a Designated Property Grant in the amount of one thousand, eight hundred dollars (\$1,800.00) be provided to Roshan Dharsee, 27 Bold Street, Hamilton.

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 12, respecting a City of Hamilton Heritage Programme for property at 128 St. Clair Avenue.

The Committee approved the following:

That a Designated Property Grant in the amount of one thousand, three hundred and fifty dollars (\$1,350.00) be provided to Bryan and Mary Markham, 128 St. Clair Avenue, Hamilton.

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 10, respecting a City of Hamilton Heritage Programme for property at 64 Forest Avenue.

The Committee approved the following:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000.00) be approved for 64 Forest Avenue, Hamilton, Church of the Ascension. The interest rate will be six percent, amortized over 10 years.



**D. DIRECTOR OF PROPERTY****Expropriation by the City of 19, 23 and 27 Gerrard Street and 393 Sherman Avenue North, and purchase by the City of 31 Gerrard Street. (Alpha West Residential Enclave Clearance Program.)**

The Committee was in receipt of a report from the Director of Property dated 1991 June 11, respecting the above-noted matter and approved the following:

- (a) That the City accept an "Agreement by Owner to Accept Compensation" for the properties of The Estate of Norman R. Plummer (Cinoke Investments Ltd.), executed on 1991 June 5, and scheduled for closing on 1991 November 1. The subject properties being Municipal Number 23 and 27 Gerrard Street, having a total frontage along the northern limit of Gerrard Street of 38 feet (11.58 metres), more or less, shown as Parts 1 and 2 on Expropriation Plan No. 79836, together with all structures erected thereon.
- (b) That the City accept an "Agreement by Owner to Accept Compensation" for the properties of The Estate of Norman R. Plummer (Cinoke Investments Ltd.), executed on 1991 June 12 and scheduled for closing on 1991 November 1. The subject properties being Municipal Number 19 Gerrard Street and 393 Sherman Avenue North, having a frontage along the northerly limit of Gerrard Street of 20 feet (6.096 metres), more or less, and a frontage along the westerly limit of Sherman Avenue North of 26.7 feet (8.159 metres), more or less, and known as Parts 2 and 1 respectfully on Expropriation Plan No. 70105, together with all structures erected thereon.
- (c) That an Option to Purchase the property at 31 Gerrard Street, duly executed by The Estate of Norman R. Plummer (Cinoke Investments Ltd.) on 1991 June 5 and scheduled for closing on 1991 August 19, be approved and completed. The subject property has a frontage along the northerly limit of Gerrard Street of 29.5 feet (8.99 metres), more or less, by a depth of 80.69 feet (24.59 metres), more or less, being Municipal Number 31 Gerrard Street.
- (d) That the total compensation of \$247,400.00 and the purchase price of \$25,000.00, along with all associated costs be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program) and that demolition of the structures at 19, 23 and 27 Gerrard Street and 393 Sherman Avenue North take place upon closing.

**E. COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES****Cash Payment in Lieu of 5% Parkland Dedication - "Bar-Brock Estates - Phase 3".**

The Committee was in receipt of a report from the Commissioner of Transportation/Environmental Services dated 1991 June 10, respecting the above-noted matter.

The Committee approved the following:

That the City of Hamilton accept the sum of \$40,000.00 for Bar-Brock Estates, Phase 3 as cash payment in lieu of 5% dedication in connection with this subdivision; this being the cash requirement under Section 50 of the Planning Act. This proposed subdivision is located in the Eleanor Neighbourhood bounded by Rymal Road East, Stone Church Road, Upper Sherman Avenue and Upper Gage Avenue.

**REGULAR AGENDA****BUILDING COMMISSIONER****3. Construction without a building permit - Increase in Building Permit Fee.**

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 10, respecting the above-noted matter and approved the following:

That the City Solicitor be directed to prepare an amendment to the Building Code By-law to increase the building permit fee for construction started prior to the issuance of a building permit as follows:

<u>Work Completed Prior to Permit Issuance</u>	<u>Increase in Permit Fee</u>
(a) Footings and Foundations	10%
(b) Structural framing	25%
(c) Mechanical/Electrical	50%
(d) Architectural	75%
(e) Final	100%
(f) Demolition or partial demolition	100%

**4. Building Administration Fund, Ministry of Housing, 1991 Grant Application.**

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 10, respecting the above-noted matter and approved the following:

- (a) That the Building Commissioner be authorized to make application to the Ministry of Housing for a grant of up to \$5,000.00 to implement a joint inspection programme with the Ontario New Home Warranty Programme (O.N.H.W.P.); and,
- (b) That City Council authorized the implementation on a trial basis of a joint inspection programme with the O.N.H.W.P. Total cost not to exceed \$5,000.00. The City's portion of the cost (\$5,000.00) is included in the 1991 Building Department budget as part of the required inspections under the Ontario Building Code.

**DIRECTOR OF PROPERTY****5. City repurchase from Allan Michaels Electric Ltd. - Lot 18, Plan M-227 (140 Nebo Road) - Hamilton Mountain Industrial Park No. 1.**

The Committee was in receipt of a report from the Director of Property dated 1991 June 10, respecting the above-noted matter and approved the following:

That the Corporation of the City of Hamilton repurchase the lands known as Lot 18, Plan M-227 (140 Nebo Road), Hamilton Mountain Industrial Park No. 1 from Allan Michaels Electric Ltd. at the original price of \$200,000.00 less only the Real Estate Commission of \$9,000.00, paid by the City of Hamilton to a Real Estate Agent at the time of the sale for a total price of \$191,000.00 to be charged to Account Number CH 5X307 00102 (Reserve - Property Purchases).



**REFERRAL FROM CITY COUNCIL****6. Correspondence and Petition - Rev. Burrige, representative of the Merchants of the Jamesville B.I.A. - request to disband the Jamesville B.I.A.**

The Committee was in receipt of correspondence from the Deputy City Clerk to Reverent R. W. A. Burrige, respecting the disbanding of the Jamesville B.I.A. and the petition presented to City Council. The Committee was also in receipt of a staff report from the Director of Public Works, dated 1991 June 13, recommending that the petition from the merchants of Jamesville be received and that the City of Hamilton maintain its relationship with the Jamesville B.I.A.

Ms. Jacqueline McNeilly of the Community Renewal Section, of the Public Works Department addressed the issue and spoke to the staff report.

Reverent Burrige was in attendance and spoke to the Committee with respect to the petition. He also distributed copies of a letter written by the City Solicitor of Mississauga to the Law Society of Upper Canada, complaining about the B.I.A.'s and the structure which does not allow the members of the B.I.A. to have a vote, but rather that decisions are made by City Councils.

The Committee discussed this matter at some length and it was agreed to table the petition of request for disbandment and allow the staff of the Community Renewal Section of the Public Works to continue their work in the B.I.A. prior to holding another general meeting, and that a report on the situation would come back to the Committee at that time. The Committee further agreed that there should be comments on the letters submitted from Reverent Burrige, respecting the structure of B.I.A.'s and the lack of vote by the members.

**DIRECTOR OF PUBLIC WORKS****7. Programme for Renewal, Improvement, Development and Economic Revitalization, (P.R.I.D.E.), Anti-Recession Programme, Estimates of Expenditures.**

The Committee was in receipt of a report from the Director of Public Works dated 1991 June 13, respecting the above-noted matter. Some concern was expressed by members of the Committee respecting the City's portion of \$400,000.00 and where that money would be derived from. Ms. Jacqueline McNeilly of the Community Renewal Section of the Public Works Department spoke to this matter and it was agreed that this matter would be deferred until later in the meeting, in order that Mr. D. Lobo of the Public Works Department could be brought into the meeting.

Upon Mr. Lobo's arrival, the Committee questioned him on where the \$400,000.00, the City's portion of the cost, would be derived from and it was clarified by Mr. Doug Lobo that funds from this would be generated in the deletion of all sidewalk local improvements from Ward 5 and Mountain Wards.

In light of this, the Committee agreed to table the above-noted report and directed that Ms. McNeilly of the Public Works Department work with the Public Works Department and the Treasury Department to determine if there are funds in the amount of \$400,000.00 that could be utilized for the Anti-Recession Programme and report back to the Committee on where those funds would be derived and what effect it would have.

**DIRECTOR OF LOCAL PLANNING****8. Request for comments - Amendment #36 to the Town of Ancaster Official Plan.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 10, respecting the above-noted matter.

The Committee approved the following:

That the City Clerk be directed to advise the Regional Municipality of Hamilton-Wentworth that Official Plan Amendment #36 to the Town of Ancaster Official Plan has no impact on the planning intentions of the City of Hamilton.

**9. Parkland Acquisition and Development - Revenue Producing Strategies.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 11, respecting the above-noted matter.

The Committee agreed to forward this report to the Parks and Recreation Committee along with the research done to-date on this subject, in order that this matter can be undertaken by the Consultant who will be doing the Parks Master Plan Study and looking at possible revenue producing strategies for Parkland Acquisition.

**10. Site Plan Control Application DA91-21 - for renovations to the existing Tim Horton Donuts at 435 York Boulevard.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 12, respecting the above-noted matter.

The applicants were in attendance and spoke to this and requested that an amendment be made to eliminate the requirement for pedestrian lighting as a structural requirement but rather that the applicants will work with members of the Planning staff along with Alderman Kiss, the Ward Alderman on appropriate pedestrian lighting for this area.

Accordingly, the Committee approved the following amended recommendation:

- (a) Modification to the plan in relation to notes and dimensions as marked in red on the plan;
- (b) Approval by the Committee of Adjustment for the following variances:
  - (i) To permit a 0.572m minimum yard adjacent to York Boulevard instead of the required 3.0m minimum yard;
  - (ii) To delete the requirement for a canopy as a protective structure along York Boulevard; and,
- (c) Submission of a revised site and landscape plan incorporating additional landscape in the spirit of the York Boulevard design guidelines, to the satisfaction of the Director of Local Planning, Planning and Development Department.



**ZONING APPLICATIONS**

11. Zoning Application 91-30, Landmart Building Corporation, owner, for changes in zoning from "L-r" and "L-mr-1" to "C" for lands on the west side of Fairington Crescent and south of Eastgate Court; Kentley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 30, respecting the above-noted matter.

A representative of Landmart Building Corporation was in attendance and spoke to his application.

The Committee then approved the following:

That approval be given to Zoning Application 91-30, Landmart Building Corporation, owners, for changes in zoning from "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Blocks "2" and "3"), to permit development for single-family dwellings, for property located on the east and west sides of Fairington Crescent and south of Eastgate Court, shown as Blocks "1", "2" and "3" on the attached map marked as Appendix "A", on the following basis:

- (a) That Block "1" be rezoned from "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District;
- (b) That Blocks "2" and "3" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-104 for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

12. City Initiative 89-G, for changes in zoning from "JJ" and "KK" to "A" for lands in the area east of Lake Avenue, between Barton Street East and the Queen Elizabeth Way; Grayside Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 31, respecting the above-noted matter.

The Committee was also in receipt of a submission from William D'Alessandro.

The Committee approved the following:

That approval be given to City Initiative 89-G, City of Hamilton, owner, for changes in zoning from "JJ" (Restricted Light Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District (Blocks "1" and "2"), and from "KK" (Restricted Heavy Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District (Blocks "3", "4" and "5"), to establish the appropriate zoning district for public open space, for City owned lands located in the area east of Lake Avenue North, between Barton Street East and the Queen Elizabeth Way, shown as Blocks "1", "2", "3", "4" and "5" on the attached map marked as Appendix "B", on the following basis:

- (a) That Blocks "1" and "2" be rezoned from "JJ" (Restricted Light Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (b) That Blocks "3", "4" and "5" be rezoned from "KK" (Restricted Heavy Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-113, E-122 and E-123 for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

13. City Initiative 91-C, for changes in zoning from "C" and "D" to "R-4" for property at 402 Upper Wentworth Street (formerly Inverness School); Inch Park Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 3, respecting the above-noted matter.

The Committee was also in receipt of an added letter of submission from Ken Stone, 133 East 17th Street.

The Committee approved the following:

That approval be given to City Initiative 91-C, City of Hamilton, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit future development for small lot single-family detached dwellings, on property located at 402 Upper Wentworth Street (formerly Inverness Public School), shown as Blocks "1" and "2" on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That Block "2" be rezoned from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-15 for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

14. Zoning Application 91-10, Hamilton Roller Gardens Ltd., owner, for a modification to the "M-13" District regulations for property at 1215 Stone Church Road East; Trenholme Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 30, respecting the above-noted matter.

The Committee approved the following:



That approval be given to Zoning Application 91-10 Hamilton Roller Gardens Limited, owner, for a modification to the "M-13" (Prestige Industrial) District regulations to permit a penny arcade (14 pin ball machines) within the existing building, for property located at 1215 Stone Church Road East, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
  - (i) That notwithstanding Section 17E(1)(c) the following accessory commercial use shall be permitted only within the existing building:
    - (1.) a penny arcade having a maximum of 14 machines.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1231, and that the subject lands on Zoning District Map E-59C be notated S-1231;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

15. Zoning Application 91-22, 627791 Ontario Inc. (J. Lebrecht), owner, for a change in zoning from "M-14" modified to "C" modified for property at 64 Ewen Road; Ainslie Wood Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 4, respecting the above-noted matter.

The Committee approved the following:

That approval be given to Zoning Application 91-22, 627791 Ontario Inc. (J. Lebrecht), owner, requesting a change in zoning from "M-14" (Prestige Industrial) District modified, to "C" (Urban Protected Residential, etc.) District modified, to permit two small lot single-family building lots, for property located at 64 Ewen Road, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the subject lands be rezoned from "M-14" (Prestige Industrial) District modified, to "C" (Urban Protected Residential, etc.) District;
- (b) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:
  - (i) That notwithstanding Section 9(4), a lot width of not less than 10.0 metres shall be permitted;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1232, and the subject lands on Zoning District Map W-46 be notated S-1232;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-46 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That the approved Ainslie Wood Neighbourhood Plan be amended by redesignating the subject lands to "Single and Double Residential".

16. Zoning Application 91-19, P. Costen and 892987 Ontario Inc. (F. Spencer), owners, for a modification to the "G" District regulations for property at 147-155 Dundonald Avenue, Rosedale Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 10, respecting the above-noted matter.

Mr. Al Fletcher, Planning Consultant, was in attendance and requested a modification to the recommendation with respect to a reduction in the required landscape size. The Committee then concurred with his recommendation for an amendment and approved the following amended recommendation:

That approval be given to Zoning Application 91-19, Patricia Costen and 892987 Ontario Inc. (Fred Spencer), owners, requesting a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations, to permit conversion of the existing building from three dwelling units and 369m<sup>2</sup> of commercial floor area to six dwelling units and 115m<sup>2</sup> of commercial floor area, for property located at 147-155 Dundonald Avenue, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
  - (i) That notwithstanding Section 13(1), a multiple dwelling containing not more than six Class "A" dwelling units shall be permitted only within the existing building;
  - (ii) That notwithstanding Section 18A(1)(a), not less than seven parking spaces shall be provided and maintained on-site;
  - (iii) That Section 18A(1)(c) shall not apply;
  - (iv) That notwithstanding Section 18A(11)(a), the northerly boundary of the parking area shall be not less than 1.2 metres away from the adjoining residential district;
  - (v) That notwithstanding Section 18A(12)(c), a visual barrier of not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained along the entire northerly and easterly lot lines;
  - (vi) That a planting strip of not less than 1.2m in width shall be provided and maintained along the easterly lot line; and,
  - (vii) That not less than 125m<sup>2</sup> of landscaped area shall be provided and maintained;



- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1233, and that the subject lands on Zoning District Map E-67 be notated S-1233;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-67 for presentation to City Council; and,
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That the amending By-law not be forwarded for passage by City Council until such time as the applicants have applied for and received approval of site plans for the parking area.

17. Zoning Application 91-14, W.A. Hemstreet, owner, for a change in zoning from "C" to "HH" modified for property municipally known as 1314 Upper James Street; Jerome Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 10, respecting the above-noted matter.

The Committee was also in receipt of the following submissions:

- (a) Submission - Dr. and Mrs. Dickson, 111 Stone Church Road, East.
- (b) Petition - members of the Board, Barton Stone United Church.
- (c) Submission - Ronald Wowk, 15 Stone Church Road, East.

Mr. Hemstreet, the owner and applicant was in attendance at the meeting to speak to his application.

Mr. Thomas Lofchuk, Solicitor on behalf of the owners of property at 15 and 17 Stone Church Road East, spoke to the Committee on how this application would affect his clients property. He questioned the 6.0m landscaped area being maintained. He also expressed concerns that the Site Plan impacts on his client's property along with the application before the Committee, and doesn't want to have it tied in to the application.

Mr. Edmondson, representative of property he owns as well as a member of the Barton Stone United Church, spoke in opposition to the application. He added that the plan is unsafe with respect to the layout of the parking area and the gas bar.

Mrs. Mary Lou Dickson, 111 Stone Church Road East, spoke as a member of Barton Stone United Church, in opposition. She indicated that the building is far too close to the corner and should have a large landscaped strip in front of it.

Mr. Steward, a member of Barton Stone United Church, also spoke in opposition to the application and indicated that Upper James Street has been poorly developed all along.

Mr. Hemstreet responded and reiterated his request for approval.

The Committee agreed to approve the application with the amendment that the Site Plan would not include the properties on Stone Church Road East.

The Committee approved the following amended recommendation:

That approval be given to amended Zoning Application 91-14, W. Alex Hemstreet, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, to permit development of the subject land for a gas bar and commercial uses, for property located at 1341 Upper James Street, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
  - (i) That notwithstanding Section 14A(3)(a), a minimum 6.0 m front yard setback shall be provided and maintained from Upper James Street;
  - (ii) That notwithstanding Section 14A(3), a minimum 6.0 m southerly side yard setback shall be provided and maintained from Stone Church Road East;
  - (iii) That a landscaped planting strip of not less than 6.0 m in width, shall be provided and maintained adjacent to the entire westerly and southerly lot lines excluding any area(s) used for vehicular access;
  - (iv) That a minimum 1.5 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not higher than 2.0 m in height, shall be provided and maintained along the entire easterly lot line.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1234, and that the subject lands on Zoning District Map E-67 be notated S-1234;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-67 for presentation to City Council; and,
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (f) That the amending By-law not be forwarded for passage by City Council until such time as:
  - (i) the applicant has applied for and received approval of a site plan for the subject lands and providing for a potential future link with the adjoining lands to the north; and,
  - (ii) the approved site plan be registered on the title of the land.



18. Zoning Application 91-16, Trillium Funeral Services Corporation, owner, for a change in zoning from "G-3" modified to "E" for properties at 25 and 27 West Avenue North; Landsdale Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 6, respecting the above-noted matter.

Mr. Milton Lewis, Solicitor for the owner, was in attendance to speak in support of this application.

The Committee approved the following:

That approval be given to amended Zoning Application 91-16, Trillium Funeral Services Corp, owner, requesting the repeal of By-law No. 90-31 and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc) District regulations (Block "1"), to permit the re-establishment of the original "E" District zoning to reflect the existing residential use of the subject properties, for lands located at 25 and 27 West Avenue North, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That By-law 90-31 be repealed in its entirety;
- (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
  - (i) That notwithstanding Sections 11.(3) and (4) and Section 18.(3)(vi)(b), the location of the existing single-family dwelling (25 West Avenue North) and two-family dwelling (27 West Avenue North) at the date of the passing of the by-law shall be permitted.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1235, and that the subject lands on Zoning District Map E-13 be notated S-1235;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (f) That the approved Landsdale Neighbourhood Plan be amended by redesignating Blocks "1" and "2" from "Commercial " to "Medium Density Apartments".
- (g) That the by-law not be passed by City Council until such time as the applicant enters into an Encroachment Agreement with the City to the satisfaction of the Hamilton-Wentworth Engineering Department.

**ADDED ITEM**

As an added Item the Director of Local Planning outlined for the Committee the difficulties being encountered by the property owners of lands at 323 and 325 Wentworth Street North, in that they are not able to meet the condition of a lease agreement with C.N. Railway for 3 off-street parking spaces.

The Committee then approved that they would delete this requirement from the resolution and approve the following:

That Section 9(b)(i) of the Sixth Report for 1991 of the Planning and Development Committee approved by City Council on 1991 April 9th, respecting Zoning Application 89-95 for property at 323 and 325 Wentworth Street North and the condition of a lease agreement with C.N. Railway for 3 off-street parking spaces, be deleted.

**ALDERMAN McCULLOCH**

Alderman McCulloch introduced an Item with respect to the Custom House and the matter which had been approved by Council, subject to various conditions being met to extend a loan to Mr. Don Warrener, for the property at 51 Stuart Street (The Custom House) to be conducted as if it had met the Provincial Funded Community Heritage Trust Fund Loan Programme.

Mr. Warrener was in attendance at the meeting. It was indicated by Mr. Powers of the Law Department, that there are arrears of taxes in the amount of \$12,000.00 outstanding which generally would prevent such a loan from being extended. He also reiterated that further to documentation forwarded to Committee members, that the Director of Property is not satisfied that there is residual value in the building to recover the cost of the loan.

Considerable discussion ensued on this by the Committee and the following recommendation was approved:

- (a) That notwithstanding the arrears of taxes and the Property Department not being satisfied that there is enough residual value on The Custom House property, after registered mortgages to protect the outstanding value of the following loan, that a loan amount of \$9,500.00 be approved for Mr. Don Warrener for the property at 51 Stuart Street (The Custom House); and,
- (b) That the loan be derived from the Claims Account No. 24130 and be in accordance with the same terms and conditions that would apply to the Provincially funded Community Heritage Trust Fund Loan Programme; and,
- (c) That the loan be secured on title by a mortgage.

NOTE: Alderman Kiss opposed.

**19. Housing Intensification Strategy**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 12, respecting the above-noted matter.

Mr. B. Janssen of the Planning Department presented this report and outlined the recommendations contained within it.

Mrs. Lois Brown, representative from Citizens-for-Citizens was in attendance and indicated that she is a life-long Ward 3 resident. She advised that she has experienced the erosion of her area from a single family area to a duplex/triplex community. She added that the Citizens-for-Citizens group has worked very hard to restore the original lower City to its single family beginnings.

General discussion ensued on this report by the Committee with respect to the recommendations.

Following this discussion, it was agreed that the following amendments would be made:

- (a) That Subsection (ii)(a) of Section 2, with the words at the end of the paragraph "providing the dwelling is a minimum of 20 years of age" be deleted; and,
- (b) That Subsection (ii)(b) of Section 2, be amended by deleting the words "at least one unit" and substituting in lieu thereof the words "that both units".

It was also expressed by Alderman Hinkley that he would like to have staff review and report back to the Planning and Development Committee on the possibility of incorporating into the Strategy, conditions that homes which are duplexed, triplexed, etc., are required to maintain individual and separate water controls, noise controls, heat controls, and fire protection in the conversion process. The Committee agreed that staff should undertake this review and report back to them.

It was also expressed by the Committee that all of the recommendations contained in the Strategy should be implemented as quickly as possible.

The Committee then approved the following amended recommendation with respect to Housing Intensification Strategy:

That the following Housing Intensification Strategy be adopted:

- (a) Enforcement of Illegal Units, Community Participation and Stability for Pre-1940 Areas
  - (i) That the Province be requested to fund a Pilot Project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis;
  - (ii) That in keeping with the principle of accessory units, the requirements of the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District be amended to permit a converted dwelling containing not more than two dwelling units, rather than the currently permitted three units;
  - (iii) That a programme be developed to identify and deal with illegally converted dwelling units;
  - (iv) That as part of this strategy, the Province be once again requested to undertake changes to the Building Code Act and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed;
  - (v) That the Building Department be requested to:
    - (1.) examine opportunities for a Certificate of Occupancy process for converted units, including an appropriate fee structure to cover the administrative costs;
    - (2.) continue with its vigorous enforcement of Zoning, Property Standards and Dirty Backyard By-laws, including court actions, on a complaint basis; and,



- (3.) monitor complaints and report the success of its actions to Planning and Development Committee on a regular basis.
  - (vi) That the Province be requested to amend the Planning Act to clearly define "use" to include vacant units.
- (b) Residential Conversions
- (i) That the Planning and Development Department be directed to pursue with the Province the possibility of enacting special legislation that will permit Zoning By-laws to regulate owner-occupancy in converted units.
  - (ii) That the Zoning By-law be amended to:
    - (1.) permit one accessory apartment as-of-right in all existing single family dwellings in "AA", "B", "B-1", "B-2", "C", "R-2" and "D" Districts; and,
    - (2.) require that both units of the converted dwelling be a minimum of 65m<sup>2</sup> (700 sq.ft.); and,
    - (3.) to permit a maximum area of 50% of the front yard to be used for vehicle access, turning and parking, to protect the appearance of the street.
  - (iii) That the Province be requested to reassess all converted units in Hamilton, legal and illegal, in order that appropriate taxes for these dwellings can be collected.
- (c) Redevelopment, Infill, Non-Residential Conversions and Other Initiatives
- (i) That the Zoning By-law requirement in Section 14 for the "H" classification be amended to also allow conversions of up to 10 units providing the building existed prior to 1983 March 8 and as long as the ground floor frontage remains for commercial use and meets parking requirements.
  - (ii) That the Barton Street Commercial Strip be targeted as a special area for conversion and that the following initiatives be developed as part of the implementation of the Provincial Housing Policy Statement:
    - (1.) appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use; and,
    - (2.) a programme be developed by the Barton General B.I.A., Building Department and Planning and Development Department to encourage conversions.
  - (iii) That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement.

- (iv) That an inventory of suitable sites for infilling, redevelopment and conversion of non-residential buildings be developed in conjunction with the work of the Regional Planning Branch and that the Regional Council be requested to include this project in the Branch's Work Programme.
- (v) That the Planning and Development Department examine other mechanisms for the provision of affordable rental housing through the Municipal Housing Statement Implementation Study and through the Regional Chairman's Task Force on Affordable Housing.
- (vi) That in the Neighbourhood Planning process, consideration should be given to the following:
  - (1.) the designation of areas where conversions can occur, regardless of the age of dwellings; and,
  - (2.) areas in which mixed residential/commercial uses can be encouraged.
- (vii) That the Province be requested to increase its allocation of non-profit and co-op units to the City of Hamilton.

**ADJOURNMENT**

There being no further business, the meeting then adjourned.

Taken as read and approved,

**ALDERMAN F. LOMBARDI, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder  
Secretary  
1991 June 19**





# CITY OF HAMILTON

B.

## — RECOMMENDATION —

DATE: 1991 July 15

REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
780 Upper Paradise Road - Tag Number 83627

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 780 Upper Paradise Road.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "DE" (Low density multiple dwellings)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Six unit multiple dwelling

BRIEF DESCRIPTION: One storey wood frame dwelling in a deteriorated condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a six unit multiple dwelling. A Development Agreement (DA-90-103) has been entered into with the City. Lot size 87.00' X 140.00'.

The owner of the property as per the demolition permit application is:

A.R.P. Construction Limited  
45 Christopher Drive  
HAMILTON, Ontario  
L9B 1G6

Telephone: 389-6012



# CITY OF HAMILTON

C.

## - RECOMMENDATION -

DATE: 1991 July 15

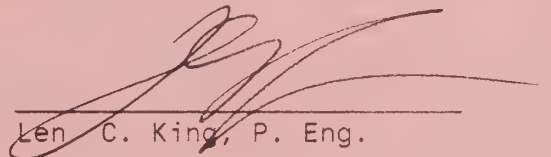
REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
493 Rennie Street - Tag Number 83773

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 493 Rennie Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "J" (Light and limited heavy industrial, etc.)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Additional parking for existing repair shop

BRIEF DESCRIPTION: One storey wood frame dwelling in poor condition.

It is the intention of the owner to demolish the existing single family dwelling and use the land for additional parking for the existing repair shop at 495 Rennie Street. Lot size 40.00' X 125.00'.

The owner of the property as per the demolition permit application is:  
William E. Juett  
495 Rennie Street  
HAMILTON, Ontario  
L8H 3P6 Telephone: 545-8211

91.2.4.2.1.A





# CITY OF HAMILTON

D.

## - RECOMMENDATION -

DATE: 1991 July 15

REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
485 Beach Boulevard - Tag Number 83725

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 485 Beach Boulevard.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.)

PRESENT USE: Single Family Dwelling (vacant)

PROPOSED USE: Parking and landscaping for 467 Beach Boulevard

BRIEF DESCRIPTION: One storey wood frame dwelling in fair condition.

It is the intention of the owner to demolish the existing single family dwelling so as to exchange parcels of land with Regional Municipality of Hamilton Wentworth. This proposal would allow further landscaping and parking for the Ministry of Correctional Services building at 467 Beach Boulevard and allow the region to permit future road widening of Sierra Lane.

The owner of the property as per the demolition permit application is:  
Ministry of Correctional Services  
115 McLaughlin Road South  
BRAMPTON, Ontario L6Y 2C8

Attention: Siu-Man Wong, Telephone 1-416-455-0717

91.2.4.2.1.A





# CITY OF HAMILTON

E.

## - RECOMMENDATION -

DATE: 1991 July 17

REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
443 Woodward Avenue - Tag Number 83977

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 443 Woodward Avenue.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "K" (Heavy industrial, etc.)

PRESENT USE: Single Family dwelling

PROPOSED USE: Knob Hill Farms Shopping Centre

BRIEF DESCRIPTION: One storey wood frame brick veneer dwelling in fair condition.

It is the intention of the owner to demolish the existing single family dwelling to make room for Knob Hill Farms shopping centre. The owner has submitted an application for a building permit for the new proposal.

The owner of the property as per the demolition permit application is:

Sevendon Holdings Limited  
1900 Eglinton Avenue  
SCARBOROUGH, Ontario  
M1L 2L9

Attention: Jim Summerville

Telephone: 1-416-892-2703

91.2.4.2.1.A



# FOR ACTION

F.

**REPORT TO:** Mrs. S. Reeder, Secretary  
Planning & Development Committee

**FROM:** Mr. L. King, P. Eng.  
Building Commissioner

**DATE:** 1991 July 16  
**DEPT FILE:** FACADE #85  
91.2.4.2.1.A

**SUBJECT:** Commercial Facade Loan Programme -  
259 Ottawa Street North, Hamilton

## **RECOMMENDATION:**

That a Commercial Facade Loan, in the amount of fifteen thousand dollars (\$15,000.) be approved for 259 Ottawa St. North, Ted & John Culshaw (A & B Catering). The interest rate will be 4 7/16 percent, amortized over 10 years.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The owner of 259 Ottawa Street North has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department therefore recommends the approval of a Commercial Facade Loan to Ted & John Culshaw (A & B Catering) for improvements to 259 Ottawa Street North in the amount of \$15,000. The loan will be amortized over a 10 year period at 4 7/16 percent interest. The monthly payments will be \$155.93 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department





# FOR ACTION

G.

**REPORT TO:** Mrs. S. Reeder, Secretary  
Planning & Development Committee

**FROM:** Mr. L. King, P. Eng.  
Community Development Department **DATE:** 1991 July 16  
**DEPT FILE:** HERITAGE 79  
91.2.4.2.1.A

**SUBJECT:** City of Hamilton Heritage Programme -  
172-176 Locke Street South, Hamilton

## **RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of eight thousand, and eighty dollars (\$8,080.) be approved for Heinz Ollesch, 172-17 Locke Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to Heinz Ollesch, 172-176 Locke St. South, Hamilton.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1989 August 29. The owners of the designated property located at 172-176 Locke Street South have applied under the Programme for restore wooden elements of exterior facade.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Thompson Constructions' estimates.

The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$3,000., and a Community Trust Fund loan in the amount of \$8,080. at 6 percent interest be approved. The monthly payments will be \$89.70 amortized over 10 years.

The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$11,080.

**c.c. R. Camani, Treasury Department**



# FOR ACTION

H.

**REPORT TO:** Mrs. S. Reeder, Secretary  
Planning & Development Committee

**FROM:** Mr. L. King, P. Eng. **DATE:** 1991 July 16  
Community Development Department **DEPT FILE:** HERITAGE 64

91.2.4.2.1.A

**SUBJECT:** City of Hamilton Heritage Programme -  
74 George Street, Hamilton

## **RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of three thousand, eight hundred and eighty-eight dollars (\$3,888.) be approved for Jane & Paul Rigby, 74 George Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to Jane & Paul Rigby, 74 George St., Hamilton.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1989 August 29. The owners of the designated property located at 74 George Street have applied under the Programme for brick pointing and flashing of parapets.

**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Ron Lowe Enterprises' estimates.**

**The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$3,000., and a Community Trust Fund loan in the amount of \$3,888. at 6 percent interest be approved. The monthly payments will be \$43.16 amortized over 10 years.**

**The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$6,888.**

**c.c. R. Camani, Treasury Department**

# FOR ACTION

I.

**REPORT TO:** Mrs. S. Reeder, Secretary  
Planning & Development Committee

**FROM:** Mr. L. King, P. Eng. **DATE:** 1991 July 16  
Community Development Department **DEPT FILE:** HERITAGE 74  
91.2.4.2.1.A

**SUBJECT:** City of Hamilton Heritage Programme -  
72 George Street, Hamilton

## **RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of four thousand, five hundred and eighty-three dollars (\$4,583.) be approved for John & Agnes McAllister, 72 George Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to John & Agnes McAllister, 72 George St., Hamilton.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1989 August 29. The owners of the designated property located at 72 George Street have applied under the Programme for brick pointing and flashing of parapets.



**72 George Street  
Heritage Programme  
continued.....**

**Page 2**

**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Ron Lowe Enterprises' estimates.**

**The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$3,000., and a Community Trust Fund loan in the amount of \$4,583. at 6 percent interest be approved. The monthly payments will be \$50.88 amortized over 10 years.**

**The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$7,583.**

**c.c. R. Camani, Treasury Department**

# FOR ACTION

J.

**REPORT TO:** Mrs. S. Reeder, Secretary  
Planning & Development Committee

**FROM:** Mr. L. King, P. Eng. **DATE:** 1991 July 16  
Community Development Department **DEPT FILE:** HERITAGE 65  
91.2.4.2.1.A

**SUBJECT:** City of Hamilton Heritage Programme -  
260 MacNab Street North, Hamilton

## **RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, three hundred and nineteen dollars (\$2,319.) be approved for Jane & Paul Rigby, 260 MacNab Street North, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of two thousand, three hundred and nineteen dollars (\$2,319.) be provided to Jane & Paul Rigby, 260 MacNab St. North, Hamilton.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1989 August 29. The owners of the designated property located at 260 MacNab Street North have applied under the Programme for brick pointing and flashing of parapets.

**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Ron Lowe Enterprises' estimates.**

**The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$2,319., and a Community Trust Fund loan in the amount of \$2,319. at 6 percent interest be approved. The monthly payments will be \$25.75 amortized over 10 years.**

**The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$4,638.**

**c.c. R. Camani, Treasury Department**



CITY OF HAMILTON

-RECOMMENDATION-

K.

**DATE:** June 24, 1991  
S705-30 P. Strong

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee


**FROM:** L. D. Turvey, P.Eng.  
Commissioner of Transportation/  
Environmental Services

**SUBJECT:**

Cash Payment in Lieu of 5% Parkland Dedication For:  
Edan Heights Phase One

**RECOMMENDATION:**

That the City of Hamilton accept the sum of \$22,300 for Edan Heights Phase One as cash payment in lieu of 5% dedication in connection with this subdivision; this being the cash requirement under Section 50 of the Planning Act. This proposed subdivision is located in the Butler Neighbourhood bounded by Rymal Road East, Stone Church Road, Upper Sherman Avenue and Upper Wentworth Street on the east side of Acadia Drive.

  
\_\_\_\_\_  
L.D. Turvey, P. Eng.  
Commissioner of Transportation/  
Environmental Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The Owner of the lands for the above referenced subdivision will be executing subdivision agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for this subdivision for your information.

Page 2  
June 24, 1991

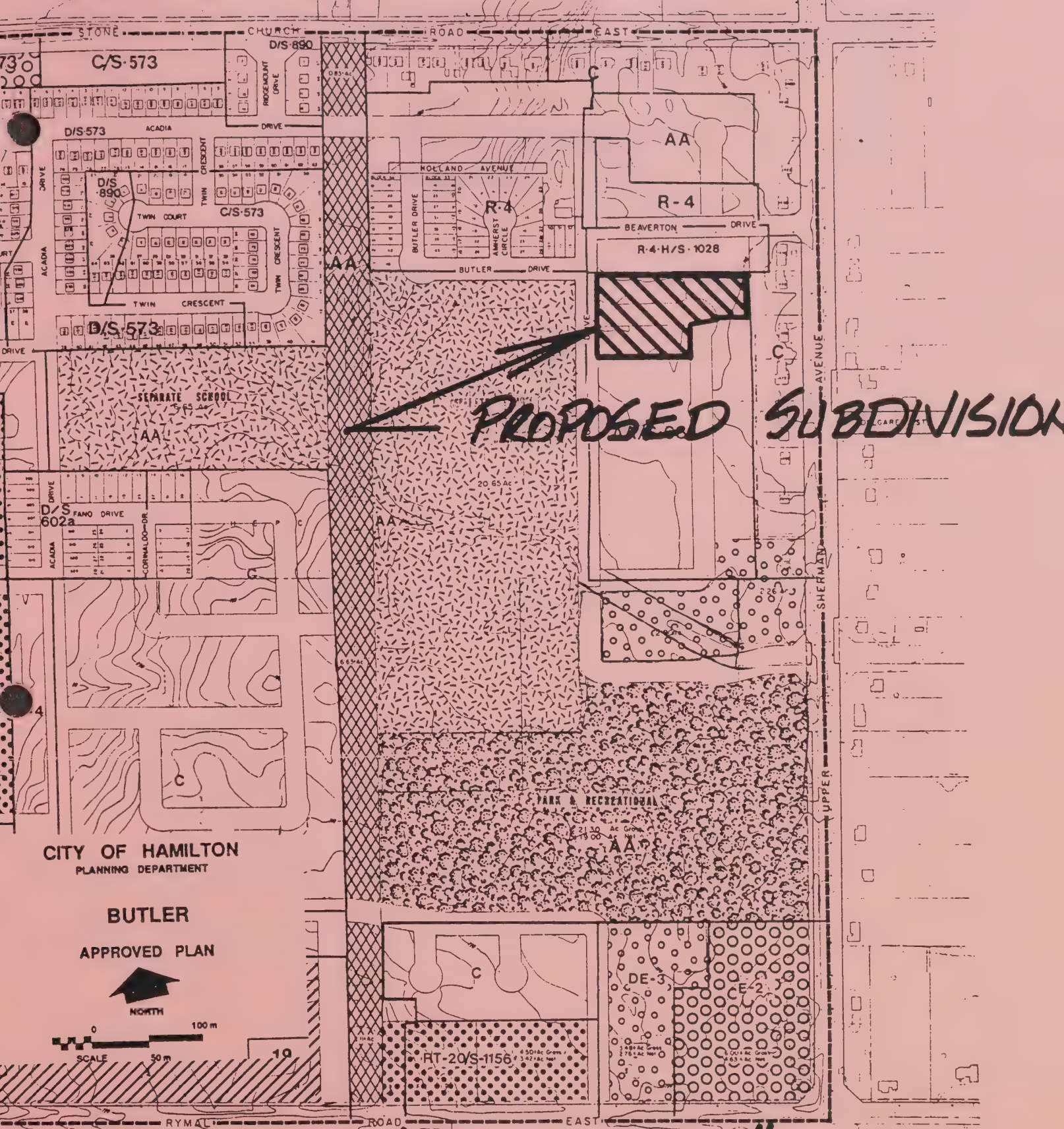
Cont'd

In accordance with normal City procedure, the City and Regional Staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the subdivision agreement has been calculated at \$22,300 for Edan Heights Phase One.



PS:lm

cc: Derek Cobb, City Treasury



# **"KEY PLAN"** **"EDAN HEIGHTS PH 1"**

THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE  
FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF  
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

IDE PLAN only and is subject to  
contact the local planning division  
municipality of Hamilton-Wentworth.

**LAND USE**  
**RESIDENTIAL**

----- Neighbourhood Boundary  
—— Zoning Boundary





L.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991, July 16  
S703-74 M.J. Inrig  
S719-58

JUL 3 1991

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** L. D. Turvey, P.Eng.  
Commissioner of Transportation/  
Environmental Services

**SUBJECT:**

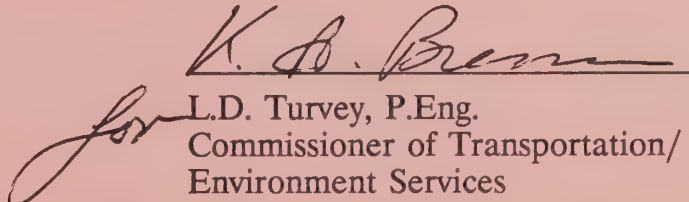
"Crerar Place", and South Hill - Phase 1, Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication)

**RECOMMENDATION:**

That the City of Hamilton accept the sum of \$18,150.00 as cash payment in lieu of 5% land dedication in connection with "Crerar Place", and the sum of \$55,900.00 as cash payment in lieu of 5% land dedication in connection with "South Hill - Phase 1" Hamilton, these being the cash requirement under Section 50 of the Planning Act.

The lands of "Crerar Place" are located north of Stone Church Road East and west of Upper Wentworth Street in the Crerar Neighbourhood.

The lands of South Hill - Phase 1 are located south of Rymal Road West and west of Upper James Street in the Kennedy East Neighbourhood.

  
L.D. Turvey, P.Eng.  
Commissioner of Transportation/  
Environment Services

Cont'd...

-page 2-  
1991 July 16

"Crerar Place", Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication) (Cont'd)

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

There are no financial costs other than incidental staff time costs.

***BACKGROUND:***

**CRERAR PLACE**

The owner of the land (Luciano Scornaienchi) for the above referenced subdivision will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the subdivision agreement has been calculated at \$18,150.00

**SOUTH HILL -PHASE 1**

The owner of the land (Wardpark Developments Inc.) for the above referenced subdivision will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

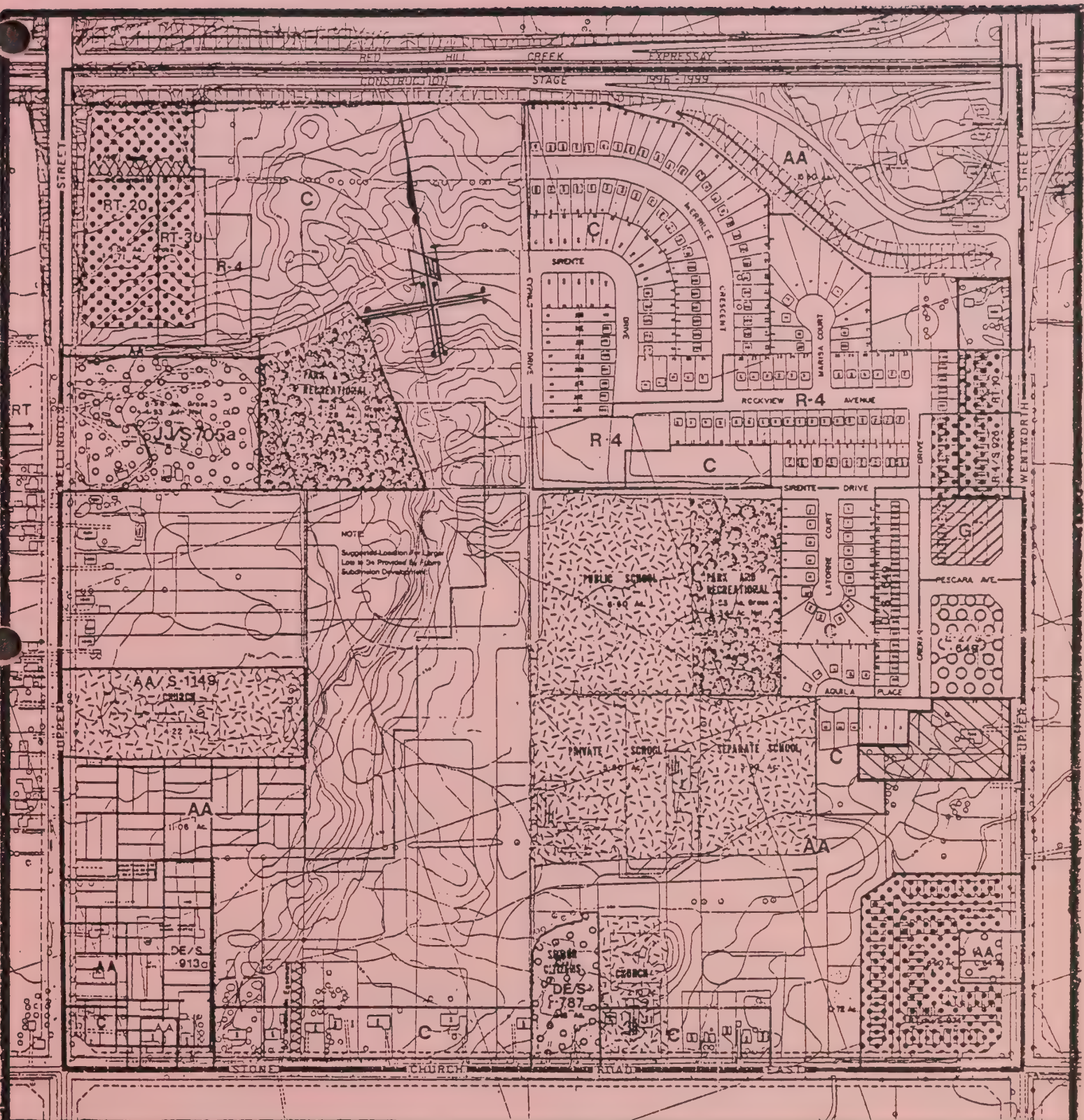
In accordance with normal city policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the subdivision agreement has been calculated at \$55,900.00

 MJI/cb  
attach

cc: D.Cobb, City Treasury Department





KEY PLAN

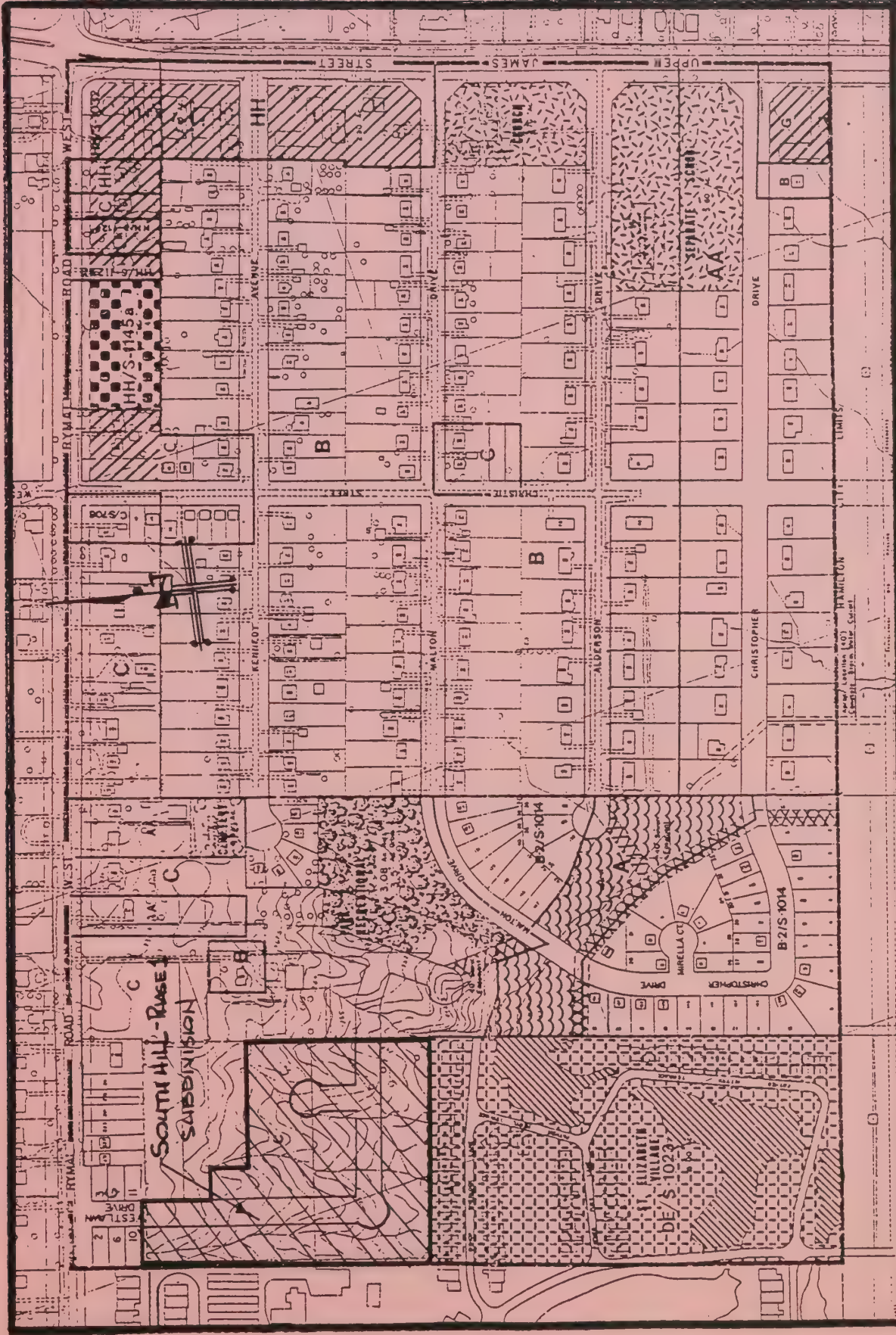
N.T.S.

APPROVED PLAN

CRERAR







**KEY PLAN**

N.T.S.

**APPROVED PLAN**

**KENNEDY EAST**





**CITY OF HAMILTON**  
**- RECOMMENDATION -**

m.

**DATE:** 1991 June 28

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

JUL 3 1991

**FROM:** C. J. Coutts, Secretary  
Local Architectural Conservation  
Advisory Committee

**SUBJECT:** DESIGNATION - ZION UNITED CHURCH

**RECOMMENDATION:**

- a) That approval be given to the "Intent to Designate" Zion United Church at 69 Pearl Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto as Appendix "A",
- b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

*C. J. Coutts*

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The Local Architectural Conservation Advisory Committee gave preliminary approval to the designation of this building on 1989 December 6, in response to an enquiry from the Church. Subsequently, LACAC representatives attended a number of meetings over a two-year period of which the final one was with the Hamilton Presbytery, which recently approved the designation proposal.

A letter was received on 1991 May 31 from the Secretary of the Board of Trustees, officially requesting the designation of the Church.

Attached

c.c. Mr. A. Georgieff, Director of Local Planning  
Mrs. N. Chapple, Planning Department



REASONS FOR DESIGNATION

Zion United Church  
69 Pearl St. North

Location:

Situated at the northwest corner of Pearl and Napier Streets, the Zion Tabernacle Methodist Church was erected in 1874-75 on what was thought to be the highest point of land north of the escarpment. The design, by architect Joseph Savage, chose to emphasize this hilltop site with a corner tower rising to a height of 125'. Zion's graceful spire became the most visible feature of the city's West End and traditionally served as an orientation point for ships in the harbour. The church was and still is a dominant structure in the surrounding low-rise residential neighbourhood, dating primarily from the 19th century.

Architecture:

The church is designed in the Victorian Gothic style, a later stage of the Gothic Revival which put greater emphasis on picturesque and decorative qualities. Typical of this style is the asymmetrical design with corner towers of contrasting height, as well as the colourful, alternating red and yellow banded brickwork found over the pointed-arched windows and under the front gable.

Upon completion, Zion Church was described as "the first of the kind ... erected in the Dominion" (Canadian Methodist Magazine, April 1875). This distinction refers to the interior plan of the church, a 80' x 90' amphitheatre, featuring a floor that sloped from all three sides down to the central pulpit on the west side. Reputedly inspired by the Broadway Tabernacle in New York City, this innovation afforded each of the 900 seats a clear view to the speaker.

Zion Tabernacle represents the one significant local work by Joseph Savage who was at the time in partnership with the Toronto architect Windeyer. In 1875, within a month after the church was dedicated, architect Savage died at the young age of 37 years.

Due to increasing attendance, two Sunday Schools were added to the Napier Street frontage, the first (directly adjacent) designed by Charles Mills in 1892 and the second by G. T. Evans in 1930. Together they form a well-integrated church complex, despite the shift in architectural style to the rounded arches, popular at these later dates.

History:

Major events within the national Methodist church, including its 100th anniversary in 1868 and important consolidations in 1874 and 1883, had a profound effect at the local level. Combined with other favourable conditions, Hamilton experienced a proliferation of substantial Methodist church edifices. Six were constructed within fifteen years, four of which still remain: the Primitive Methodist (now St. Johannes Lutheran) (1867); Centenary (1868), Zion (1875) and Hannah St. (now First Christian Reformed) (1882). The name of Zion Tabernacle Methodist Church was changed to Zion United Church following the formation of the United Church of Canada in 1925.

Zion church grew out of the need for a Methodist representation in the West End, where the Great Western Railway had located--then the largest employer in the City. The present structure is Zion's third, following "the little Main St. church" established in 1855, and a small brick structure known as Mt. Zion built in 1867 at Pearl and Napier Streets.

The high value placed on education by the church is evidenced in the substantial Sunday Schools, the later one having provided one of the earliest gymnasiums in the City. At present, these buildings are used as the Kirkendall-Strathcona Neighbourhood House.

Important for the preservation of this building is the retention of the original architectural features of the east front facade and south side facade (Church and Sunday Schools), including the brickwork of walls, towers and buttresses; the spires, the arched doorways and windows; and the window mouldings, decorative brickwork and stone trim.

# Zion United Church

69 PEARL ST. NORTH  
HAMILTON, ONTARIO L8R 2Z1

Office & Study 522-0534  
Manse 522-5324

Rev. Tony Ouwehand  
~~Rev. Tony Ouwehand~~  
Minister

RECEIVED  
PLANNING & DEVELOPMENT

MAY 31 1991

REGIONAL MUNICIPALITY OF  
HAMILTON-WENTWORTH

Mrs. Diane Dent,  
c/o Planning & Development Department,  
71 Main Street West,  
Hamilton, Ont. L8N 3T4

Dear Mrs. Dent:


Re LACAC Designation

At long last, we have now received approval from Hamilton Presbytery of the United Church of Canada, to request designation of our Church building as a Heritage site under the Ontario Heritage Act.

Several discussions and meetings have taken place with the LACAC Committee members over the past many months and we feel we are now in a position to proceed with the designation. We wish to thank you for the attendance of some of your representatives at the meeting of the Presbytery Executive at Olivet Church in April.

If you require further information, please do not hesitate to contact either our Minister (as above), Mr. Jack Lowry, Chairman of our Trustee Board, or myself.

Yours sincerely,

  
Mrs. Eileen Brown  
Secretary, Trustee Board

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

N.

**DATE:** 1991 July 19

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. T. Bradley  
Manager of Purchasing

**SUBJECT:** LANDSCAPING AND CONSTRUCTION OF PARK  
MAINTENANCE BUILDING, STIPELEY/CROWN  
POINT WEST P.R.I.D.E. PHASE 2

**RECOMMENDATION:**

That a purchase order be issued to P.L.C. Construction, Hamilton, in the amount of \$55,508.39 including all taxes being the lowest of five (5) quotations received, to landscape and construct a park maintenance building, Stipeley/Crown Point West P.R.I.D.E. Phase 2, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed through Stipeley/Crown Point West P.R.I.D.E. Account No. CF5200 428902002.

  
\_\_\_\_\_  
T. Bradley, Manager of Purchasing

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**  
N/A

**BACKGROUND:** Quotation Analysis

Tigelaar Construction Ltd., Campbellville	\$54,966.03 *
P.L.C. Construction, Hamilton	55,508.39
Bud 's Contracting, Stoney Creek	64,284.53
Brantford Landscaping, Paris	70,857.54
Kel-Mar Landscape Inc., Fruitland	74,974.71

\* Incomplete bid





**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 July 9

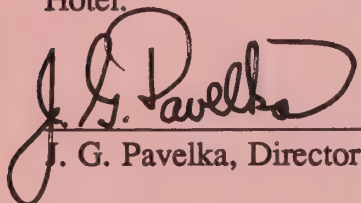
**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. G. Pavelka, P.Eng.  
Director of Public Works

**SUBJECT:** Removal of an Information Kiosk Located at the  
North/West Corner of John and King William Streets

**RECOMMENDATION:**

That Council confirm the action of the Public Works Department in removing the information kiosk located at the north west corner of John and King William Streets abutting the Windsor Hotel.

  
\_\_\_\_\_  
J. G. Pavelka, Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The Public Works Department incurred a cost of approximately four hundred dollars (\$400.) for the removal of the information kiosk.

**BACKGROUND:**

During Phase II of the Downtown Action Plan, the sidewalks along King William Street from James to John Streets were reconstructed in 1985. Along with this reconstruction work, street furniture including information kiosks were added to improve the aesthetics and ambience of the area.

Information kiosks were installed as part of the Phase II of the Downtown Action Plan at the following locations:

1. north west corner of King William Street and John Street
2. north east corner of King William Street and James Street

The owner of the Windsor Hotel at 31 John Street North contacted the Department of Public Works, Community Renewal Section in April of 1991 to request the removal of the information kiosk located on King William at John Street in front of his hotel. The owner's complaint was the unsightliness of the kiosk.

On 1991 June 13 the Downtown Action Plan Co-ordinating Committee (DAPCOM) approved the removal of the kiosk pictured in the photographed attached.

JP:bk

*RM*  
cc: *iv* Mr. R. Meiers, Operations Manager  
Community Renewal/Public Works Department

Mr. D. Lobo, Manager  
Streets and Sanitation  
Public Works Department



Below is a photo of the Information Stand located at King William and John Streets:





3.

**CITY OF HAMILTON**  
**-RECOMMENDATION-**

**DATE:** 1991 July 2

**REPORT TO:** Mrs. Susan Reeder  
Secretary of Planning and Development

**FROM:** Building Department-Loans Division

**FILE NO.:** BI 91-05, Emergency Loan Programme Amendment

**SUBJECT:** Emergency Loan Programme

**RECOMMENDATION:**

That the City's Emergency Loan Programme be amended to include, as an eligible expense, the installation of recycled equipment for the disabled.

  
\_\_\_\_\_  
Mr. L. King, Building Commissioner

**BACKGROUND:**

The City of Hamilton's Housing Agreement requested the Province of Ontario to finance a Demonstration Programme for the recycling of equipment originally purchased under the Ontario Home Renewal Programme-Disabled. The Province accepted the City's proposal and a \$10,000. cheque for this purpose was received earlier this year.

The Department has notified previous applicants and several have come forward to donate equipment. The Department has found storage space for the equipment with the Department of Culture and Recreation. We are trying to encourage homeowners to leave the equipment in place until it is needed but in some cases we have found that it is in the best interests of the donor to have it removed immediately. The cost of removal is an eligible



expense under the Demonstration Programme and can usually be done for less than \$500. We only remove equipment after we determine condition, potential demand and cost of removal.

The Department has contacted many of the Social Agencies which deal directly with the disabled in order to advise them of our potential stock of used equipment which could be recycled at minimal cost. It became apparent that other agencies had provided funding for equipment but had no mechanisms to recycle once it was no longer needed. They asked if they could use our service. As a result we feel that this Programme could demonstrate both a real need as well as a demand in the Community. The Department is establishing practical procedures as well as preparing an inventory of potential equipment.

The principle purpose of this report is to establish a mechanism to have the equipment installed as soon as possible. We have often heard, and totally agree, that the problems with most government funded programmes, regardless of who administers them is the length of time needed to obtain approval. The Department proposes that if we can amend the Emergency Loan Programme to include the installation of used disabled equipment, that equipment could be installed within a week. This of course would only occur if the necessary equipment was within our inventory. The Emergency Loan Programme as approved by the Planning and Development Committee and City Council only includes replacement of one of the following; roof, electrical, plumbing and heating. We are asking that installation of recycled disabled equipment also be classified as an emergency repair. A copy of the previous report is attached.

The Department is advised on almost a weekly basis of cases where people must remain institutionalized until a patient's home can be equipped with a lift or a stairglide. The normal process under other programmes takes several months at best and does not address the immediate needs of the health care system. If an applicant will accept a used lift we can have it installed in a few days at a cost of less than \$1000. It is proposed

to fund the installation under the Emergency Loan Programme and secure the repayments with a Promissory Note written at 8% interest. The applicant would also be encouraged to apply under the other disabled programmes in order that other eligible work could be financed. The work already completed under the Emergency Programme would be eligible for a grant and upon approval would be used to erase the loan and top up the fund.

For the information of the Committee the cost of new lifts and stairglides, installed, is from four to six thousand dollars compared to the recycled installation which is faster and costs hundreds of dollars less as there is no capital cost for equipment.

We have discussed this Programme with three contractors and they have agreed to participate. If the Programme grows, others will be asked to supply estimates.

The Department is confident that this Programme can work and at the same time meet a tremendous need in the Community. The Department therefore recommends the Emergency Loan Programme be expanded to include installation of Recyclable Disabled Equipment.

**FOR ACTION**

**REPORT TO:** Mrs. S. Reeder, Secretary  
Planning & Development Committee

**FROM:** Mr. E. W. Kowalski, Director  
Community Development Department

**DATE:** 1990 August 9  
**DEPT FILE:** 800-0313  
800-MNPH-1.19

**SUBJECT:** Emergency Loan Programme

**RECOMMENDATION:**

That an Emergency Loan Programme be established using \$200,000. from the Hamilton Rehabilitation Programme; and,

That the Department of Community Development be authorized to process emergency loans not to exceed \$2,000. based on the terms and conditions attached.

**BACKGROUND:**

The Department of Community Development has been actively implementing housing rehabilitation programmes since 1974. During this period, the Department has seen a need for an emergency programme which would address the immediate needs of a homeowner. Under the terms of the existing programmes, certain procedures must be carried out and approved before actual work could take place. There was no possibility of being able to address an immediate concern, i.e. leaking roof, furnace, electrical etc. The process, even when accelerated, often takes three or four months because of the requirement of a full inspection, two estimates, title searches including full municipal review and approval.

We had considered a Municipally funded Programme previously, but the potential financial commitment and impossibility of recouping City costs from the other levels of government prevented us from moving forward with a proposal. The opportunity however, provided by the new Housing Agreement with the Province, has now opened up the possibilities of being able to address what we feel is an important service which now can be offered to municipal homeowners in need at minimal municipal cost.

The Department is recommending that \$200,000. be used from the recyclable account established for the Hamilton Rehabilitation Programme (H.A.R.P.). This money will be



**Terms and Conditions**

- Applicant must be financially eligible under the Ontario Home Renewal Programme.
- Applicant must be an owner/occupant of a single family home.
- Only one item of roof, wiring, plumbing or heating (if more than one item not considered emergency, as problem existed for some time).
- Maximum loan per house \$2,000.
- City processes application based on inspection to determine need within 24-48 hours, including approval and commencement of work. [City's Building Department has agreed to timetable.]
- Inspection and one independent estimate needed which must be within reasonable cost of the Inspector's estimate.
- Owner must agree to apply for total rehabilitation of property.
- Initial costs financed by City, and loan finalized under Ontario Home Renewal Programme, City fund then topped up and adjustments made. [owner can use eligible grant under Ontario Home Renewal Programme to repay City's loan.]
- Loan at 8% amortized over 10 years and lien registered on title, but loan initially secured by Promissory Note.
- Capital funding from H.A.R.P. recyclable \$200,000.
- Repayments at 8% used for recycling in Emergency Programme fund.
- The loan approvals will be sent to the Planning and Development Committee and Council for approval as soon as possible, but will not delay the approval process.

It should be noted that this Programme will have a higher risk involved than other municipal programmes. We will not be able to fully check ownership, or all of owners income verification in time frame projected. It is important however, if real service is to be provided, that this time frame be met. The loan, as indicated, will be secured by Promissory Note and we have in the past been able to obtain judgements based on this type of security.

CITY OF HAMILTON AND MINISTRY OF HOUSING  
JOINT HOUSING ACTION AGENDA

Background

The City of Hamilton first approached the Ministry of Housing in the Summer of 1988 to express its interest in pursuing a partnership with the Ministry of Housing to address the needs of the community for affordable housing. This Joint Housing Action Agenda includes affordable housing initiatives through redevelopment projects to revitalize neighbourhoods and provincial program support for non-profit and affordable housing as well as residential intensification.

1.0 Targeted Revitalization Initiative

The objective of this initiative is the creation or preservation of rental units in marginal neighbourhoods in the City of Hamilton.

- 1.1 The City of Hamilton will enter into an operating agreement with the Ministry of Housing to deliver the Convert to Rent program on a fee for service basis.
- 1.2 The City of Hamilton will provide \$800,000 as an enriched loan component to the Convert to Rent Program to make it possible to bring marginal conversions into the Program.
- 1.3 The Ministry of Housing has provided to the City of Hamilton a total allocation of 2300 units for rooming houses, regular units and disabled modifications under the Low-Rise Rehabilitation Program.
- 1.4 The City will consider initiatives to unlock private financing for revitalizing marginal neighbourhoods.
- 1.5 The Ministry of Housing will actively encourage and support an application by the City for funding under the Home Planning Advisory Service, within one year from the date of this Agreement, to assist property owners with housing intensification and rehabilitation programs. A firm commitment by the City to apply for funding must be in place by December 1, 1990.
- 1.6 The Ministry of Housing will actively encourage and support an application by the City for funding under the Neighbours Program, within one year from the date of this Agreement, to undertake an educational/promotional campaign to support housing intensification. A firm commitment by the City to apply for funding must be in place by December 1, 1990.
- 1.7 The Ministry of Housing will provide available promotional materials to support the housing revitalization initiative.

#### 4.0 Provincial Housing Policy Implementation Study

4.1 The City adopted a work program to implement the Provincial Policy Statement on Land Use Planning for Housing. The Ministry of Municipal Affairs have approved Hamilton's application for funding of \$51,000 under the Community Planning Grant (Housing) Program to undertake a study in eight areas required to implement the Policy Statement including:

- . ten year supply of land;
- . servicing policies;
- . three year supply of serviced lots;
- . streamlining the process;
- . housing types and distribution;
- . 25% affordable housing;
- . housing intensification; and
- . monitoring.

4.2 The Ministry of Housing and the Ministry of Municipal Affairs will continue to work with the City to implement its planning studies.

#### 5.0 Ontario Home Renewal Program

5.1 The City will establish an Emergency Loan Program of \$200,000 to address emergency electrical, roof, plumbing or heating problems.

5.2 The Ministry of Housing will permit the City to recover funds from their existing Ontario Home Renewal Program (OHRP) trust account where the City has advanced funds for its proposed Emergency Loan Program, pending Ministry approval of the proposed guidelines associated with the program to be contained in a joint Ministry/Municipal Memorandum of Agreement.

5.3 The Ministry of Housing will consider a separate allocation for the City under the Ontario Home Renewal Program for Disabled Persons (OHRP-D), based upon discussions between the Ministry and the City, and only if funds for new commitments for this program become available.

5.4 The Ministry of Housing will fund a \$10,000 Demonstration Project to determine the feasibility of re-using equipment originally funded under OHRP-D. The City of Hamilton will assume all resulting liability and prepare a report commenting on the results of the demonstration after it has been in operation for a period of one year.



- 1.8 The Ministries of Housing and Municipal Affairs will encourage the City of Hamilton to focus their funding applications under PRIDE and PRIDE - Housing Intensification programs on neighbourhoods targeted for housing revitalization.

## 2.0 Non-Profit Housing

- 2.1 The Ministry of Housing has provided a reserve allocation of 300 units to the City of Hamilton.
- 2.2 The City will continue to provide a \$5 million loan fund for land acquisitions for non-profit housing.
- 2.3 The City agrees to undertake a leadership role in conjunction with a coalition of local social housing providers, in developing advocacy initiatives to support social housing providers in the delivery of non-profit housing.
- 2.4 The Ministry of Housing will encourage the City to continue to enhance its municipal non-profit housing function.
- 2.5 The City will continue to monitor procedures for streamlining approvals for non-profit housing.
- 2.6 The City will work with the Social Planning and Research Council of Hamilton and District as well as the Housing Help Centre to address neighbourhood opposition to non-profit housing (NIMBY issues).
- 2.7 The City intends to pursue its policies of encouraging affordable housing in the Central Area through the use of non-profit housing programs.

## 3.0 Housing First on Government Land

- 3.1 The Province will encourage all Ministries to expedite their review of vacant land holdings to release land for affordable housing.
- 3.2 The City supports a Housing First policy on government lands and will review and prepare an inventory of its land holdings for suitability for residential use.
- 3.3 The City and Province will encourage the Region of Hamilton-Wentworth to adopt a Housing First policy for its land holdings and to review these land holdings for suitability for residential use.

## 6.0 Common Housing Priority List

The Ministry of Housing is working with the City and representatives of the non-profit housing sector and the Hamilton-Wentworth Housing Authority towards the development and implementation of a common housing priority system to coordinate waiting lists for non-profit and assisted housing.

- 6.1 The Ministry of Housing is funding a \$30,000 technical study to undertake a feasibility analysis for a common housing priority system.
- 6.2 The Ministry of Housing will consider funding up to \$20,000 for organizational expenses to set up a common housing priority system.
- 6.3 The City will consider contributing resources to support the implementation of a common housing priority system.

## 7.0 Liaison with Hamilton Homebuilders Association

- 7.1 The City will work with the Hamilton Homebuilders Association to explore opportunities for affordable home ownership.

## 8.0 Hamilton Beach Strip

- 8.1 The City and the Province will continue to investigate the potential for innovative and affordable housing in the Hamilton Beach Strip.

## 9.0 Terms of Agreement

- 9.1 All funding commitments from the Province are subject to appropriations from Management Board of Cabinet.
- 9.2 All funding commitments from the City are subject to the approval of the Council of the City of Hamilton.
- 9.3 The terms of this joint housing action agenda are valid for one year from the date of signing. Amendments may be mutually undertaken at any time during the term of this joint housing action agenda.
- 9.4 It is understood that this memorandum of understanding is not intended to limit in any way the on-going policies and undertakings with respect to housing and related matters between the Ministry of Housing and the City of Hamilton.

The foregoing is the scope of the joint housing action agenda between the City of Hamilton and the Ontario Ministry of Housing. It is a record of the interest and commitment of both parties to work together on housing matters.

\_\_\_\_\_  
Honourable John Sweeney  
Minister of Housing and  
Minister of Municipal Affairs  
Province of Ontario

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Robert Morrow  
Mayor  
City of Hamilton

\_\_\_\_\_  
Date Signed



CITY OF HAMILTON

- RECOMMENDATION -

4.

**DATE:** 1991 June 28

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King  
Building Commissioner

**SUBJECT:** Administrative Charges - 91.2.4.2.1.A (BI-91-04)

JUL 3 1991

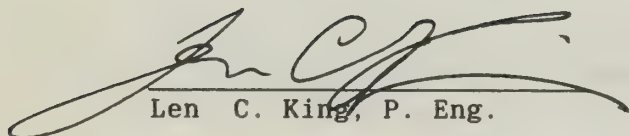
**RECOMMENDATION:**

That the Building Commissioner be authorized and directed to collect the following amended administrative charges: -

Combined Certification of Zoning Verification  
and Property Report ..... \$70.00

Property Plans (Microfiche):

For Single Family ..... \$10.00  
For Others ..... \$40.00

  
Len C. King, P. Eng.

WKK/LCK/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

At the present time, the administrative charges are as follows:

Zoning Verification ..... \$35.00  
Property Reports ..... \$35.00  
Property Plans (Microfiche) ..... \$30.00

Continued on Page Two .....

The zoning verification certificate provides the zoning information of the district in which the subject property is located; whether the proposed use is permitted; or whether the existing use is a legally established non-conforming use.

The property report is to provide information pertaining to the Department's files, such as work orders, or inspection reports etc.

In most real estate transactions, the lawyer for the purchaser will request both a property report and a zoning verification certificate.

With this proposed new fee of \$70.00, the benefits can be summarized as follows:

1. The applicant will receive a combined certificate of zoning verification and property report.
2. The combined certificate will provide complete information of Zoning By-Law requirements on the property; the work orders; permitted use; and other relevant information pertaining to the files. We believe this will discourage illegal occupancies, because the applicant for the certificate (in most cases Solicitors acting for the Purchasers) will have the complete information about the subject property prior to the completion of the transaction.
3. The proposed certificate (copy attached) is produced by the micro-computer with the application of the wordperfect program, and can be easily reproduced in the lawyer's office by their micro-computer.

By utilization of computer technology, we can improve the productivity, service and save time, we also can save postage for mailing the blank forms of zoning verification certificates to the lawyer's office, should they decide to produce this form in their office.

# CITY OF HAMILTON

## - INFORMATION -

5.

DATE: 1991 July 19

REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: L.C. King, P. Eng.,  
Building Commissioner

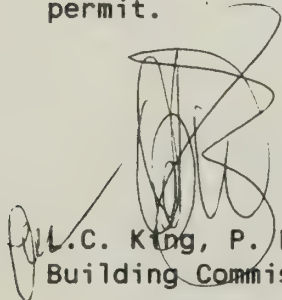
SUBJECT: DEMOLITION - 105 ABERDEEN AVENUE, TAG # 81314

### BACKGROUND:

1. An application for a demolition permit was received by this Department on November 14, 1990.
2. Planning and Development Committee approved the following recommendation by this Department at its meeting held December 5, 1990 - "That the application for demolition of 105 Aberdeen Avenue be referred to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) for consultation".
3. City Council approved the following recommendation on January 29, 1991: - "That City Council impose the 180 day delay of demolition pursuant to Section 34 of the Ontario Heritage Act for the designated property at 105 Aberdeen Avenue".

Please be advised that pursuant to Section 34 of the Ontario Heritage Act, the 180 day delay for the demolition of the designated property known as 105 Aberdeen Avenue, imposed by City Council on January 29, 1991, will lapse on July 27, 1991.

Therefore, on or after, July 29, 1991 the owner is entitled to a demolition permit.



L.C. King, P. Eng.  
Building Commissioner

GR/LCK/ggf





6.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 July 9

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. G. Pavelka, P.Eng.  
Director of Public Works

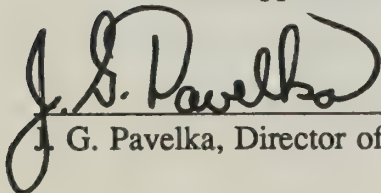
**SUBJECT:** Programme for Renewal, Improvement, Development and  
Economic Revitalization (P.R.I.D.E.) Anti-Recession

**RECOMMENDATION:**

- a) That the eight hundred thousand dollars (\$800,000.) for the P.R.I.D.E., Anti-Recession Programme previously approved by City Council on 1991 March 26 be allocated on the following:

Wheelchair Ramps	\$200,000.
Hard Service Treatment to Kelly and Elgin Streets in the Central/Beasley Neighbourhood	100,000.
Trees and Grates	100,000.
Sidewalk Reconstruction	<u>400,000.</u>
<b>TOTAL</b>	<b>\$800,000.</b>

- b) That the City's portion of the Anti-Recession Programme in the amount of four hundred thousand dollars (\$400,000.) be funded from existing 1991 Capital Budget accounts for projects which were already scheduled for reconstruction in those areas designated as Community Improvement Project and Redevelopment Areas as defined in the Planning Act and approved by the Ministry of Municipal Affairs for expenditure of the grant funds.



J. G. Pavelka, Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The total project cost is eight hundred thousand dollars (\$800,000.). The City's portion of four hundred thousand dollars (\$400,000.) can be funded through existing 1991 Capital Budget programmes for sidewalk reconstruction administered by the Public Works Department, Streets and Sanitation Division, as follows:

**Sidewalk Reconstruction**

Ivon Avenue (Barton to Dunsmure)	CF 5698 529142009	<b>\$174,000.</b>
Normanhurst Avenue (Britannia to Dunsmure)	CF 5698 529142021	<b>103,000.</b>
Rosewood Avenue (Main to Queenston)	CF 5698 529142027	<b>54,000.</b>
Main Street East (Gage to the Delta)	CF 5698 529142016	<b><u>69,000.</u></b>

**TOTAL MUNICIPAL SHARE     \$400,000.**

These specific projects were selected from the Capital Budget because they are projects scheduled for reconstruction within those areas designated by the Ministry of Municipal Affairs, as to where the grant funding is to be spent.

**BACKGROUND:**

On 1991 March 26 City Council approved a report authorizing the Public Works Department to advise the Ministry of Municipal Affairs that the City of Hamilton would utilize the Anti-Recession P.R.I.D.E. Allocation of four hundred thousand dollars (\$400,000.) and that the City's portion of this Programme would be financed through existing budgets within already designated Community Improvement Project Areas and Redevelopment Areas. Therefore, the amount of work normally accomplished by the City of Hamilton within its Capital Budgets will be increased by the four hundred thousand dollars (\$400,000.) grant issued by the Ministry of Municipal Affairs. The City's portion of the Anti-Recession funding will be spent on sidewalk repair and reconstruction.

With regard to the construction of wheelchair ramps being proposed, a priority list was prepared by the Wheelchair Ramping Sub-Committee chaired by Alderman G. Copps. This listing presented the priorities for the constructing of wheelchair ramps throughout the lower city. The Wheelchair Ramping Sub-Committee has also been requested to establish a similar list for the upper city, merging the two to create one master list of wheelchair ramps to be constructed from the highest priority to the lowest priority.



The wheelchair ramps to be constructed for the two hundred thousand dollars (\$200,000.) previously mentioned will be in accordance with the priority listing submitted by the Wheelchair Ramping Sub-Committee and within the areas designated by the Ministry of Municipal Affairs as eligible for the grant.

The placement of trees and grates will be in residential areas in the central area where there was a high priority by the Forestry staff for placement and replacement of trees.

The P.R.I.D.E. Anti-Recession Programme is somewhat different from other P.R.I.D.E. Programmes in the following ways:

1. The project must be financed and executed within the current year before the deadline of 1992 January 31.
2. All funds must be spent within existing Community Improvement Project and Redevelopment Areas as defined by the Planning Act.
3. Construction must commence within six months of announcement of the allocation.
4. Projects that are proposed by the Municipality must be labour-intensive and therefore assist directly in providing jobs and offsetting layoffs in the local labour market.

The Community Improvement Project and Redevelopment Areas that are in existence are all located within the lower city and, we are proposing to expend the Anti-Recession funds in a number of these. These Community Improvement Redevelopment Plans already contain language that will allow these improvements to occur:

1. Beasley Neighbourhood
2. Central Neighbourhood
3. Corktown Stinson Neighbourhood
4. Crown Point West/Stipeley Neighbourhood
5. Gibson Neighbourhood
6. Homeside Neighbourhood
7. Kirkendall Neighbourhood
8. Landsdale Neighbourhood
9. McQuesten Neighbourhood
10. Normanhurst Neighbourhood
11. Strathcona Neighbourhood

cc: Alderman Copps, Chairman  
Ramping Committee

Ms. T. Agnello, Secretary  
Transport and Environment Committee

Ms. P. Noe Johnson, City Solicitor  
Law Department

Mr. E. Matthews, City Treasurer  
Treasury Department

Mr. D. Lobo, Manager  
Streets and Sanitation Division  
Public Works Department

Mr. B. Chrystian, Manager  
Parks Division  
Public Works Department

JMcN:bk

*DM*

*Alley -*

# CORPORATION OF THE CITY OF HAMILTON

## MEMORANDUM

\*\*\*\*\*

TO: Mr. J. G. Pavelka, P.Eng. YOUR FILE:  
Director of Public Works  
Public Works Department  
Attention: Ms. J. McNeilly  
Co-Ordinator of Community Renewal

FROM: Mrs. Susan K. Reeder, Secretary OUR FILE:  
Planning and Development Committee PHONE:  
City Clerk's Department

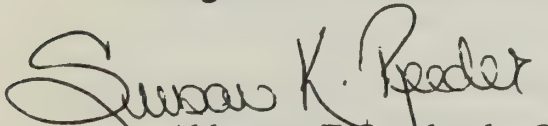
SUBJECT: Programme for Renewal, Improvement, DATE: 1991 June 21  
Development and Economic Revitalization  
(P.R.I.D.E.) Anti-Recession Programme;  
Estimates of Expenditures

As you are aware, the Planning and Development Committee at its meeting held Wednesday, 1991 June 19, were in receipt of a report from yourself respecting the above-noted matter.

Considerable discussion ensued on the City's portion of the cost in the amount of \$400,000. and the affect that this would have on existing programmes. It was clarified by Mr. Doug Lobo of your Department that funds for this would be generated in the deletion of all sidewalk local improvements from Ward 5 and Mountain Wards.

In light of this, the Committee agreed to table your report and directed that Ms. McNeilly of your Department work with the Public Works Department and the Treasury Department to determine if there are funds in the amount of \$400,000.00 that could be utilized for the Anti-Recession Programme and report back to the Committee on where those funds would be derived and what effect it would have.

Trusting that confirmation of this matter is of assistance to you.



c.c.- Alderman F. Lombardo, Chairman, Planning & Development Committee  
- Alderman H. Merling, Chairman, Transport & Environment Committee  
- Mr. D. Lobo, Manager, Streets & Sanitation Division  
Public Works Department





- . the "First Principles of a Scarborough Response to Provincial and Metropolitan Housing and Population Growth Policies."
- . local area studies underway which could identify housing opportunities

## 1.2 The Role of Second Units

Second Units would be a small component of meeting future housing needs. Their unique contribution to the operation of the overall housing market is that they can be brought on stream quickly compared with other new units, and so provide a kind of "safety valve" when demand is rapidly outstripping supply as appeared to be the case in the mid-late 1980's. This kind of situation is not likely to occur again in the near future, so second units are not urgently needed from this point-of-view.

In a "normal" housing market, second units make a more important contribution to the local neighbourhood than to the overall market. They:

- . provide housing for relatives or friends of the owner (e.g. son and daughter-in-law)
- . provide reasonably independent housing for people who may require some supervision or assistance (e.g. handicapped)
- . make housing more affordable for first time home owners.
- . make housing more affordable for other households which may have a sudden change in income (e.g. widow)
- . help elderly stay in their houses

Second Units will not be a major means of providing new units. But they are a significant component of the existing stock, because they have a large number of occupants (15,000 - 20,000 at least), whose needs cannot be ignored.

## 2. MATTERS OF PUBLIC CONCERN NEED TO BE ADDRESSED

If Scarborough's regulations are to provide for second units in a way that is reasonable and equitable for all residents, important matters of public concern need to be dealt with.

Responsibility for dealing with many of these issues lies with the Provincial Government. Others can be dealt with at the local level.

Because the direction for this report was to set out the things the Province should do, we deal with them in detail.

### 3. PAYING FOR SERVICES

#### 3.1 Development Charges

The City can require that new units in infill development or redevelopment pay development charges to account for their "share" of the capital costs of new services. This includes new units in older neighbourhoods with declining population.

The Provincial Government apparently intended to exclude second units from the Development Charges Act, although the wording of the regulations is confusing and leaves room for doubt in some cases.

The Regulation reads:

- "2) a development charge by-law shall not impose a development charge with respect to the creation of,
  - (a) one or two additional dwelling units in an existing single detached dwelling; or
  - (b) one additional dwelling unit in any other existing residential building."
- 3) A development charge may be imposed under clause (2) (a) if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.
- 4) A development charge may be imposed under clause (2) (b) if the additional unit has a gross floor area greater than,
  - (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
  - (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

Gross floor area is defined as "the total area of all floors above grade of a dwelling unit..."

Any new dwelling unit in a basement is automatically excluded, through the definition of gross floor area.



Clearly also, new units created by subdividing a house, but not building any additional floorspace, are excluded from development charges.

The confusion arises when floorspace is added to the existing house (for example, a second floor on a bungalow). The dwelling unit in this additional floorspace is not in an existing dwelling unit - the dwelling unit has been created by adding to the existing dwelling unit. At the very least the regulation should be clarified in these cases.

From the City's point-of-view, if 20 bungalows in a neighbourhood add a second floor as a new unit, the cumulative impact on city services is the same as if a new 20-unit townhouse or apartment project were built in the same neighbourhood. Development Charges could be collected on the 20-unit project, but probably not on the new second-floor units.

In cases where an empty nester couple, for example, put in a second unit without adding to the house, so that its occupants are "replacing" the couple's children in the house, city services may be adequate.

But new units without additional floorspace may run into servicing problems. Other infill projects in the area may have used up the "excess" capacity created by children leaving home, so that any new households may strain existing services. Or, in some cases financial, or human, necessity may mean that families with children subdivide houses to produce higher occupancy levels than the services are designed for.

The Provincial Government excluded second units from the Development Charges Act in order not to discourage the production of affordable housing. The Act allows the Municipality to exercise its own discretion as to whether or not other forms of affordable housing, such as co-ops, should pay development charges. It is reasonable that this discretion should also be available for second units.

Two approaches are available:

1. Levy development charges on all new floorspace. This would include additions which were not intended to accommodate second units. This approach assumes that services used are proportional to the amount of floorspace in a house. A similar approach is used for assessing property taxes, because the value of the house is related partly to its size.

If additional floorspace is only levied a development charge if a new dwelling unit is being created, owners could adopt a simple two-step process to get around the levy: (i) get the permit for the new floorspace and build it; and (ii) get the permit to put in a kitchen and "create" the second unit in existing floorspace.

2. Levy charges on all new units, whether or not additional floorspace is being built.

The first alternative penalizes owners not creating a second unit; the second penalizes those who are not effectively increasing demand for services. In both cases, however, second units could be exempted from paying development charges in areas where new capital services will not be needed. They could be required to pay in areas where capital upgrading is required.

To enable Council to keep all its options open, the Act could be amended to allow development charges to be levied on both additional units and additional floorspace.

### 3.2 Taxes

Many second units in Scarborough do not pay their fair share of taxes, because they are not assessed. Second units add value to a house. That added value should be recognized in the realty assessment on the house, so that the property taxes it pays will be commensurate with its value - including the value of the second unit.

About 4,200 houses in Scarborough are identified by the Ministry of Revenues assessment files as having second units. Up to 10,000 units in Scarborough are not being fairly taxed.

According to a Ministry of Housing pamphlet providing advice to homeowners thinking of putting in a second unit, they add about 10% to the value of a house - or an additional 10% in property taxes. The 10,000 untaxed units represent about \$2 million in taxes.

To ensure that all second unit pay their fair share of taxes, Council could request the Provincial Government to ensure that all second units in Scarborough are assessed for property taxes.

## 4. ENFORCING NEIGHBOURHOOD STANDARDS

There is a strong perception that many tenants "do not care" about the neighbourhood, or their neighbours. This attitude is reflected in their behaviour and in poor property maintenance.

### 4.1 More Effective Enforcement

The Property Standards By-law and the Noise By-law endeavour to deal with these problems. They are susceptible to abuse, however. Cases take a long time to get to court, fines or other costs can't be collected, or enforcement of prohibition orders requires a laborious trek through the courts.

Council could request some changes to existing enforcement regulations and procedures could give these by-laws more teeth and result in a more expeditious and cost - effective resolution of some local problems:



1. Create a Municipal By-law Court, to deal with all By-law infractions and Building Code violations. This could speed up the present process, cutting months, even years, off time taken from the initial complaint to final resolution in court.
2. At present, when the City acts to clean up property under the Property Standards By-law it can recover its cost in like manner as municipal taxes. Costs recovery would be more effective if the costs could be recovered "as taxes." This would eliminate the need for a civil suit in the event of non-payment.
3. Fines assessed under Scarborough's by-laws are now paid to Metro Toronto. Metro will not institute civil action to collect the unpaid fines, further lessening a by-law's effectiveness.

Council could remind the Minister of Municipal Affairs, that last Fall, it requested him to amend the Metropolitan Toronto Act to provide that "fines payable upon a conviction in court belong to the municipality that originated the prosecution."

4. Amend the Court Procedures to permit a Prohibition Order to be enforced by the Court granting such an order.

Section 66 of The Planning Act provides that:

"(3).Where a conviction is entered in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted."

To enforce such an Order, application must be made to the High Court, notwithstanding the Order being issued by the Provincial Court. The resulting expenditures of time and cost make the enforcement of the Prohibition Order impractical.

#### 4.2 Control Absentee Owners?

There is a strong perception that tenant behaviour and property maintenance is not a problem when the homeowner lives in the house with the second unit. Problems are perceived to increase with absentee owners. Property Standards Division staff estimate that about 60% of complaints about Multiple Occupancies are about absentee-owned properties.



Current Provincial legislation does not allow us to prohibit absentee owners. That is "people zoning." Any changes to Provincial Legislation to permit us to prohibit absentee owners could run afoul of Section 15 of the Charter of Rights and Freedoms. For such provisions to withstand a charter challenge, the Province would have to defend them in the Supreme Court of Canada as being "demonstrably justified in a free and democratic society."

This may be difficult. Based upon what we understand is the leading Supreme Court of Canada decision on this matter, it is unlikely that a court would find that the province was justified in so restricting the rights of absentee landlords.

Section 33 of the Charter of Rights and Freedoms permits the Province to declare that certain Acts apply notwithstanding the Charter of Rights and Freedoms. This is an extreme power, and to our knowledge the Province of Ontario has never exercised it. It is most unlikely that the Province would consider such a declaration for dealing with absentee landlords.

If Council requests the Provincial Government to make changes that would enable Council to prohibit absentee owners, it is very unlikely that such changes would be sustainable in court.

#### **5. ENFORCING ZONING AND BUILDING STANDARDS: POWERS OF ENTRY FOR INSPECTORS**

One of the main reasons Council authorized its Housing Intensification study was because the existing zoning regulations prohibiting second units can't be enforced. Zoning inspectors have very limited powers of entry into the units. This is also an important issue for residents. "Why have a by-law you can't enforce?" was a constant derisive refrain at the Housing Intensification Study Community meetings last spring.

Building Code and Property Standards Inspectors also have similarly limited powers of entry into dwelling units.

An effective, responsible, equitable second units policy requires more effective enforcement - including the ability to identify units.

The Provincial Government's Housing Policy Statement requires municipalities to permit second units. But it also clearly implies that municipalities can prohibit second units from some areas, if the existing services cannot support new households in the affected area, or if the existing development can't accommodate additional parking or is otherwise unsuited to second units. If second units are to be permitted in some areas, but not others; if one parking space is to be provided for each unit; then zoning inspectors must be able to identify units.

In the past, Council has unsuccessfully requested the Provincial Government to revise its legislation. In its most recent request in December 1989, Council asked that zoning inspectors have powers similar to those provided in the Rental Housing Protection Act, 1989. The Act provides authority for the issuance of warrants for the purposes of entry, inspection and the search of a place used as a dwelling, that will afford evidence as to the commission of an offence. The removal of evidence is at the option of the inspector.

The Assessment Act also provides broad powers of entry for assessors that could provide a model for municipal inspectors.

Council could, once again, request the Provincial Government to provide zoning by-law inspectors, property standards inspectors, and building code inspectors with realistic rights of access to dwellings so that they can identify second units and enforce municipal by-laws and the Ontario Building Code without undue delay or expense.

#### 6. LANDLORD AND TENANT ACT

The Landlord and Tenant Act may not allow a landlord to evict tenants of a second unit merely because the City requires the landlord to close the unit down to conform with its zoning regulations.

This is a major obstacle to enforcing existing restrictions. It would also be an obstacle to enforcing revised restrictions which may permit second units in some areas, but not in others.

Again the Provincial regulations are inconsistent. Council could request the Provincial government to amend the Landlord and Tenant Act, so that the landlord's contravention of zoning regulations can be a legitimate cause for eviction.

This may appear to be a somewhat draconian solution to the problem. Without it, however, owners have a simple path around by-laws even if they are otherwise enforceable. By renting out a unit, the landlord has contravened the zoning by-law. The tenant is essentially an innocent party. Perhaps the amendment should also require the landlord to compensate the tenant for costs incurred in finding and moving to, a new unit, or otherwise make the landlord liable for damages.

#### 7. THE WORST CASES MAY BE BEYOND MUNICIPAL CONTROL

These various changes should provide a municipality with the ability to accommodate and regulate second units effectively, responsibly and fairly.

They will not help in the worst cases of unacceptable tenant (and landlord) behaviour, however. There is a small number of tenants and property owners, who may, or may not, live in second units, who have little regard for neighbours and attempts to enforce standards of reasonable behaviour. Essentially, they are beyond municipal control. In protecting us all, the law protects them, too.



## 8. GRANNY FLATS

On December 17, 1990, Council referred back to the Planning Department for further consideration with the Housing Intensification Study, a Report requesting direction for the appropriate way to deal with granny flats. Granny flats are a special class of second units. They are temporary, freestanding second units occupied by elderly relatives of the homeowner.

In dealing with granny flats, Council faces three major issues:

- (i) should they be permitted as a land use?
- (ii) how can their temporariness be assured? and
- (iii) should they be restricted to senior citizens?

### 8.1 The Land Use

If Council were to decide that granny flats were an acceptable land use, across the whole city, it could amend the Official Plan and Zoning By-laws to provide for them. If it were to approve them on a site-specific basis, it can use either a Temporary Use By-Law, or a Minor Variance.

No changes to Provincial legislation are needed to accommodate the use.

### 8.2 Temporariness

To ensure that a granny flat is temporary and must be removed at the end of a specified period, the City requires a legally binding agreement with the owner which can be registered against the land and be binding on any and all subsequent owners of the land. Such agreements are explicitly provided for in Sections 28 (Community Improvement), 36 (Increased Height or Density), 40 (Site Plan Control) and 50 (Subdivision of Land) in The Planning Act, but not in Sections 38 (Temporary Use By-laws) or 44 (Minor Variances).

Council could request amendments to The Planning Act to provide for such agreements in Section 38 and 44 of The Planning Act.

### 8.3 Occupants

Council has no ability to restrict the occupancy of granny flats to Senior Citizens, or elderly relatives. In fact, Section 34a of The Planning Act specifically prohibits the use of relations between people as a way of regulating use.

Restricting occupancy of granny flats to Seniors could be viewed as positive discrimination, however, in that it is a program or policy for the benefit of a disadvantaged group.



Council could request the Provincial Government to amend the Planning act to allow municipalities to zone for granny flats by restricting occupancy to elderly relatives of the homeowner.

This would impose difficulties in gathering information from applicants (proof of age, relatedness, etc.). As an alternative, Council could rely on the request for owner occupancy as a condition for second units to achieve necessary controls of "granny flats".

#### 9. CLARIFYING COUNCIL'S CHOICE

In order to develop a policy for second units which is fair for their owners and occupants, and for their neighbours, a municipality needs the changes to Provincial legislation and policy outlined above.

Council Has Three Options:

##### 1. Request Provincial Action and Wait

Council could ask the Provincial Government to make the required changes, and take no further action at least until the Provincial Government has told Council how it intends to respond to the request. At that point Council could assess its future options.

##### 2. Request Provincial Action And Proceed to Consider Official Plan and Zoning By-law Changes

Council could ask the Provincial Government to make the required changes, and at the same time continue with the study through the Fair Hearing process. This would mean deciding whether or not to change the zoning to permit second units, and if so, which areas they should be permitted in, and appropriate parking regulations.

One advantage of this option is that it would expedite Council's consideration of the issue. Decisions could be made by June. The Provincial Policy Statement, "Land Use Planning for Housing," requires that some municipalities, including Scarborough, have to amend the Official Plan and Zoning By-laws to implement the Policy Statement by August 1, 1991.

A second advantage is that second units which would conform to a Council policy could be made safe for their occupants through the normal fire inspection and building permit procedures.

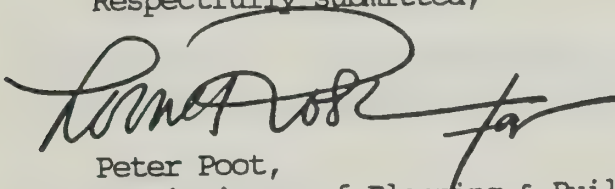
The main disadvantage is that any Council policy will require Provincial changes, especially to enforcement powers. If Council adopts a policy it can't implement or enforce, it will earn only derisive disrespect from many of Scarborough's residents.

1. Amend the Development Charges Act to permit municipalities to levy Development charges on additional dwelling units or additional floorspace in all existing residential buildings.
2. Ensure that all second units in Scarborough are assessed for property taxes.
3. Create a Municipal By-Law Court to deal with all By-law infractions and Building Code violations.
4. Amend The Planning Act and the Municipal Act to provide that the costs of work carried out under municipal order may be recovered "as taxes".
5. Amend the Metropolitan Toronto Act to provide that fines payable upon conviction in court belong to the municipality that originated the prosecution.
6. Amend the Court Procedures to permit a Prohibition Order to be enforced by the Court granting such an order.
7. Amend The Planning Act to enable Municipalities to require that second units only be permitted in houses where the owner lives in the principal unit.
8. Provide zoning by-law inspectors, property standards inspectors, and building code inspectors with rights of access to dwellings, so that they can identify second units and enforce municipal by-laws and the Ontario Building Code without undue delay or expense.
9. Amend The Landlord and Tenant Act to provide that a landlord's contravention of zoning regulations can be a legitimate cause for eviction; and provide that in cases of such evictions the landlord be liable for damages and other costs to the tenant.
10. Amend Sections 38 (Temporary Use By-laws) and 44 (Minor Variances) of The Planning Act to permit municipalities to enter into agreements with owners as a condition of permission granted under the authority of those sections, and provide that these agreements are able to be registered against the land to which they apply and enforceable against any and all subsequent owners of the land.

RECOMMENDATION:

For the information of Committee and Council.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Peter Poot', followed by a long horizontal flourish.

Peter Poot,  
Commissioner of Planning & Buildings.

PM/jr

*PM*



## SECOND UNITS: REQUESTED PROVINCIAL GOVERNMENT ACTIONS

(Resolution Adopted by Scarborough Council, March 20, 1991)

- WHEREAS** The Provincial Government's Policy Statement, "Land Use Planning for Housing", requires Municipalities to provide for future housing needs; and
- WHEREAS** The City of Scarborough has provided for an additional 12,000 units in the past 3 years by using the powers available to it under the Planning act; and
- WHEREAS** The Provincial Government requires Municipalities to permit second units in existing houses to help meet future housing needs; and
- WHEREAS** The City conducted an extensive public involvement process for its Housing Intensification Study, consisting of:
1. A brochure sent to all 171,000 Scarborough households in Fall 1989, inviting them to participate in the discussion of a policy for basement apartments and which led to the establishment of a mailing list of 5,400 respondents to the brochure;
  2. Preparation of readily accessible background information on the issue to provide better public understanding, which was sent to all those on the mailing list;
  3. 14 Community Meetings on the Basement Apartments issue, attended by 750 Scarborough residents, and held in Spring, 1990, notice of which was given to all those on the mailing list and to a wide range of community groups, and which were also advertised in local newspapers and on the Community T.V. channel;
  4. 1,800 responses to an Opinion Survey which was sent to all those on the mailing list;
  5. Presentation of the Provincial Government's Housing Policy Statement to 22 Community Meetings examining Scarborough's Official Plan; and
- WHEREAS** The City requires additional powers to enable it to adopt a responsible, fair, comprehensive policy for second units; and
- WHEREAS** Second Units may create demand for additional municipal services; and

**WHEREAS**

The Provincial Housing policy allows municipalities to zone for second units in some areas and prohibit these units in other areas, municipalities require more effective abilities to enforce regulations applicable to second units; and

**WHEREAS**

Absentee-owned houses with second units are a business for their owner, and should be licensed, taxed, and regulated accordingly; and

**WHEREAS**

Many of the unacceptable local impacts of second units may be mitigated if second units are restricted to owner-occupied houses;

**THEREFORE**, be it resolved that Council request, that in order to facilitate its consideration of the legalization of second units, the Provincial Government give consideration to the following:

1. Amend the Development Charges Act to permit Municipalities to levy Development charges on additional dwelling units.
2. Ensure that all second units are assessed for property taxes as duplexes in comparison with other duplexes under the Assessment Act.
3. Amend the Assessment Act to provide that the units in absentee-owned houses with second units be assessed as businesses;
4. Create a Municipal By-law Court to deal with all By-law infractions and Building Code violations;
5. Amend the Planning Act and The Municipal Act to provide that the cost of work carried out under municipal order shall be recovered "as taxes";
6. Amend the Metropolitan Toronto Act to provide that fines payable upon conviction in court belong to the municipality that originated the prosecution;
7. Amend the Court Procedures to permit a Prohibition Order to be enforced by the Court granting such an order;
8. Provide zoning by-law inspectors, property standards inspectors, and building code inspectors with reasonable and effective rights of access to dwellings, for purposes of inspection for compliance with the Ontario Building Code and municipal by-laws without undue delay or expense;

9. Amend the Landlord and Tenant Act and the City of Scarborough Act to provide that a landlord's refusal to comply with the Building Code, the Fire Code and municipal by-laws may result in the relocation of the tenant and/or the municipality undertaking needed repairs and maintenance, with all costs being recovered as taxes;
10. Amend The Landlord and Tenant Act to provide the ability for a homeowner to evict expeditiously an incompatible tenant from a second unit;
11. Amend Sections 38 (Temporary Use By-laws) and 44 (Minor Variances) of the Planning Act to permit Municipalities to enter into agreements with owners as a condition of permission granted under the authority of those Sections, and provide that these agreements are able to be registered against the land to which they apply and enforceable against any and all subsequent owners of the land;
12. Amend The Municipal Act to permit Municipalities to pass By-laws licensing and regulating units in houses with second units; and

**THEREFORE**

This request is made so that the Provincial goal of providing additional affordable housing can be achieved in a safe, financially responsible fashion, that respects the quality of life for existing and future residents in our neighbourhoods; and

**THEREFORE**

Council directs that this request be circulated to all Municipalities subject to the August 1, 1991, deadline for the implementation of the Provincial Housing Policy Statement, and the Association of Municipalities of Ontario; and

**THEREFORE**

Council directs that a copy of this request be sent to all those on the Housing Intensification Mailing List held in the Planning and Buildings Department, and to all Community Associations, as well as the list of Special Interest Groups that would be specifically affected by any decisions that this Council makes on housing intensification and basement apartments, the Seniors Groups, Multicultural Groups and the Ethnic Press.



7.

CITY OF HAMILTON  
- RECOMMENDATION -

**DATE:** 1991 July 10

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. D. W. Vyce  
Director of Property

**SUBJECT:** Lloyd D. Jackson Square  
Ground Lease Amending Agreement  
4th Phase Loading Dock

**RECOMMENDATION:**

- a) That the City enter into a Lease Amending Agreement dated September 2, 1987 with Fourth Phase Civic Square Limited as "Lessee" and Yale Properties Limited as "Guarantor" in the form attached hereto as Appendix "A" which amends the Ground Lease between the parties hereto dated June 1, 1981 and confirms the location of the loading dock as constructed adjacent to the Copps Coliseum Truck Tunnel and servicing Fourth Phase Jackson Square and the Sheraton Hamilton Hotel, amends the references and description of the loading dock, and confirms provisions relating to the leasing of an access corridor to the loading dock by Fourth Phase to the Sheraton Hamilton Hotel.
- b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

  
\_\_\_\_\_  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

This Lease Amending Agreement between the City, Fourth Phase Civic Square Limited, and Yale Properties Limited is required to formally amend the Ground Lease between the parties dated June 1, 1981 to confirm the location of the loading dock as constructed adjacent to the Copps Coliseum Truck Tunnel and serving Lloyd D. Jackson Square and the Sheraton Hamilton Hotel.

Schedule "C" of the Ground Lease refers to a loading dock to be constructed by Fourth Phase within its demised premises at a certain location designated as Part 8. In actual fact, the loading dock was constructed approximately 10 feet from the position originally contemplated, necessitating this Lease Amending Agreement to reflect the "as built" location.

This Agreement also confirms that the Sheraton Hamilton Hotel shall have access to the loading dock through an access corridor across demised premises of Fourth Phase.

The attached Agreement has been executed by Fourth Phase and Yale Properties. The City Law Department advise that the Agreement is in a format suitable for execution by the City.

c.c. Mrs. P. Noé Johnson, City Solicitor  
Attention: Mr. D. Powers

Mr. B. Calder, Director  
Copps Coliseum

(2719 - 80.3.430)

THIS AGREEMENT made as of the 2nd day of September, 1987.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter referred to as the "Lessor" or the "City")

OF THE FIRST PART

- and -

FOURTH PHASE CIVIC SQUARE LIMITED

(hereinafter referred to as the "Lessee" or "Fourth Phase")

OF THE SECOND PART

- and -

YALE PROPERTIES LIMITED

(hereinafter referred to as the "Guarantor" or "Yale")

OF THE THIRD PART

WHEREAS by a Ground Lease dated as of the 1st day of June, 1981, and registered as Number 197189C.D.) between the parties hereto the Lessor leased to the Lessee the demised premises described in Schedule "A" of the Ground Lease in accordance with the terms and conditions set out therein (hereinafter referred to as the "Ground Lease");

AND WHEREAS it is provided in Section 23.4 thereof that the same may not be modified or amended except by an instrument in writing of equal formality executed by the parties thereto;

AND WHEREAS page two of Schedule "C" of the Ground Lease refers to a loading dock to be constructed by the Lessee within that part of its demised premises designated as Part Eight, which Part 8 is defined in the Ground Lease;

AND WHEREAS the loading dock as constructed is shown as Part Two on Plan 62R-6886 together with an adjacent entry area for vehicles shown as Part One on Plan 62R-6886;

AND WHEREAS in an Agreement (dated as of July 31, 1984, registered as Instrument Nos. 320192C.D. and 161659L.T.) entered into among the City, Second Phase Civic Square Limited, Fourth Phase and Lakeview Development Ltd., provisions were agreed upon in respect of the construction and use of the loading dock (hereinafter this Interface Agreement shall be referred to as the "Hotel Interface Agreement");

AND WHEREAS it is agreed by the City and Fourth Phase that the Ground Lease should be amended as set out herein to confirm that the location of the loading dock as constructed is satisfactory to the Lessor and the Lessee.

NOW THEREFORE IN CONSIDERATION of the sum of Two Dollars (\$2.00) paid by each of the parties hereto to the others it is agreed as follows:

1. The Ground Lease is hereby amended as follows:

- (i) by deleting the second and third paragraphs on page two of Schedule "C" and substituting the following paragraphs:



"The Lessee of Phase Four and the Lessee of Phase Three shall share the use of the loading dock to be constructed by the Lessee of Phase Four on that part of Parts Four and Eight more particularly described as follows:

Those lands and premises located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario, and being composed of:

- Part of Lots 1 and 2, Block 2 and part of Market Street, as closed by City of Hamilton By-Law No. 72-270, registered as Instrument No. 270101 A.B., according to David Kirkendall Survey, Registered Plan No. 39, designated as PART 1;

- Part of Lot 1, Block 1 and part of said closed Market Street, in the said David Kirkendall Survey, Registered Plan No. 39, designated as PART 2;

ALL as shown on a reference plan deposited in the Land Registry Office at Hamilton, as Plan 62R-6886."

- (ii) by deleting the second last paragraph on page 2 of Schedule "A" (titled "Description of demised premises" and substituting the following paragraph:

"Subject to the use by others of:

(a) that portion of the said Part 3, Plan 62R-5316 that is included within Parts One and Two, Plan 62R-6886; and,

(b) that portion of Part 7, 62R-5316 that is included within Parts 1 and 2, 62R-6886."

- (iii) there shall be added to Schedule "C" the following paragraph:

"The Lessee of Phase Three, pursuant to the provisions of Section 5(f) of the Hotel Interface Agreement dated July 30th, 1984, registered as Instrument No. 161659L.T. and 320192C.D., shall have access to the said loading dock through an area leased pursuant to a lease dated as of the 1st day of May, 1985 between the Lessee of Phase Four, as Landlord and the Lessee of Phase Three, as Tenant, which leased area is described as Part 3, Plan 62R-6886."

- (iv) the reference to Schedule "A" and to Schedule "C" in sec.1.01(b) of the Ground Lease and the reference to Schedule "C" in Schedule "A" hereto shall be deemed to mean a reference to Schedules "A" and "C" as amended by this herein Amending Agreement.

2. All other terms and conditions of the said Ground Lease are herein confirmed including the provision that time is to remain of the essence.

3. This amendment to the Ground Lease shall be registered by the Lessee on title to the demised premises as described in the revised Schedule "A" attached hereto.

4. This Indenture shall enure to the benefit of and be

binding upon the parties hereto and their respective successors and assigns.

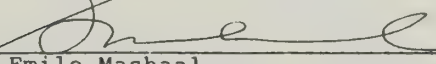
IN WITNESS WHEREOF the parties hereto have caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized for such purposes.

THE CORPORATION OF THE CITY OF HAMILTON

 - Mayor

 - City Clerk

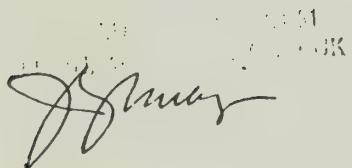
FOURTH PHASE CIVIC SQUARE LIMITED

 - President

 - Secretary

YALE PROPERTIES LIMITED

 - Vice-President



SCHEDULE "A"

(Attached to and forming part of an AMENDING AGREEMENT dated September 2, 1987 amongst THE CORPORATION OF THE CITY OF HAMILTON, FOURTH PHASE CIVIC SQUARE LIMITED and YALE PROPERTIES LIMITED)

FIRSTLY:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of all of Lots 3, 4 and 5, part of Lots 1 and 2, part of Lots lettered "A" and "B", and part of an unnumbered lot, all in Block 1, David Kirkendall Survey registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 39, part of Lots 2, 3 and 4 fronting on Market Street in Block 2, David Kirkendall Survey and part of Market Street in Block 2, David Kirkendall Survey and part of Market Street lying between the said Block 1 and 2, the said Market Street now closed by City of Hamilton By-Law No. 72-270 dated October 31, 1972 and registered as Instrument No. 270101A.B., and which said parcel may be more particularly described as all of Part 7 according to a Reference Plan received and deposited in the said Land Registry Office on April 22, 1980 as Plan 62R-5316.

Subject to the use by others of that part of the said Part 7 that is included within Parts 1 and 2 on Plan 62R-6886.

SECONDLY:

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lot 1 in Block 1, and part of Lots 1 and 2 fronting on Market Street in Block 2, according to David Kirkendall Survey registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 39, parts of Market Street now closed by City of Hamilton By-law No. 72-270 dated October 31, 1972 and registered as Instrument No. 270101A.B., part of Park Street, part of Lot 2 in the block bounded by Market, MacNab, King and Park Streets according to the said David Kirkendall Survey part of Lots 9 and 10 according to A. N. MacNab Survey (unregistered) in the block bounded by York, MacNab, Market and Park Streets and which said parcels may be more particularly described as that portion of Parts 2 and 3 according to a Reference Plan received and deposited in the said Land Registry Office on April 22, 1980 as Plan 62R-5316, lying below a horizontal plane having a geodetic datum elevation of Three Hundred and Fifty-Three point zero feet (353.0').

Part 2 being composed of part of Lot 1, Block 1, part of Lot 1, Block 2 and part of Lot 2 in the block bounded by Market, MacNab, King and Park Streets all according to the said David Kirkendall Survey, part of Lots 9 and 10, A. N. MacNab Survey and part of Market and Park Streets.

Part 3 being composed of part of Lot 1, Block 1 and part of Lots 1 and 2, Block 2, David Kirkendall Survey and part of Market Street.

Subject to the use by others of that part of the said Part 3 that is included within Parts One and Two on Plan 62R-6886.

TOGETHER WITH and subject to those rights and easements set out in Schedule "C" to a certain Ground Lease registered as Instrument No. 197189C.D.



8.

CITY OF HAMILTON  
- RECOMMENDATION -

DATE: 1991 July 16

JUL 16 1991

REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

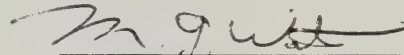
FROM: Mr. D. W. Vyce  
Director of Property

SUBJECT: Sale of City Owned Land at  
10, 12, 14, 24 Gerrard and 221 Brant Street to  
Philip Enterprises Inc./Termination of Lease for  
10, 12, 14, 24 Gerrard with Philip Enterprises

RECOMMENDATION:

- a) That an Offer to Purchase executed by Philip Enterprises Inc. on July 5, 1991 and scheduled for closing on or before September 20, 1991 for the purchase of owned land being Firstly: Lot 34, Plan 471 having a frontage on the southerly limit of Gerrard Street of 8.13 metres (26.67 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 198.21 square metres (2,133.6 square feet) more or less, known as municipal #10 Gerrard Street, Hamilton, Ontario.
- Secondly: Lot 35, Plan 471 having a frontage on the southerly limit of Gerrard Street of 7.315 metres (24 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 178.36 square metres (1,920 square feet) more or less, known as municipal #12 Gerrard Street, Hamilton, Ontario.
- Thirdly: Part of Lot 36, Plan 471 having a frontage on the southerly limits of Gerrard Street of 7.315 metres (24 feet) more or less by a depth 24.38 metres (80 feet) more or less, containing an area of 178.368 square metres (1,920 square feet) more or less, known as municipal #14 Gerrard Street, Hamilton, Ontario.
- Fourthly: Part of Lots 40 and 41, Plan 471, having a frontage on the southerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 141.2 square metres (1,520 square feet) more or less, known as municipal #24 Gerrard Street, Hamilton, Ontario.
- Fifthly: Part of Lots 71 and all of Lot 72, Plan 471 or more specifically Part 7 on Plan 62R-10240, having an frontage along the northern limit of Brant Street of 9.144 metres (30 feet) more or less, by a depth of 24.38 metres (80 feet) more or less, containing an area of 223.0 square metres (2,400 square feet) more or less, known as municipal #221 Brant Street, Hamilton, Ontario. The purchase price is \$268,950.00. A deposit cheque in the amount of \$26,985.00 is being held by the City Treasurer pending Council approval with proceeds to be credited to Account Number CF4402 308750001 (Land Sales - Enclave Clearance Program).

- b) That the lease with Philip Enterprises Inc., for the City owned lands at 10, 12, 14, and 24 Gerrard Street be terminated on the date of closing of the purchase of these lands by Philip Enterprises Inc.

  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

See above recommendation.

**BACKGROUND:**

The subject properties have been acquired by the City of Hamilton in conjunction with the Alpha West Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the North/East part of the City so the lands can be assembled and sold for industrial use as is stipulated by the approved zoning. Although this assembly has not yet been completed Philip Enterprises Inc. have requested the opportunity to purchase the subject properties as at this time they are ready to expand with the construction of a new complex. The lands they require are currently leased from the City as shown on the attached plan.

As the subject properties lie within the confines of the Alpha West Residential Enclave Clearance Program and upon their sale the use will conform with the industrial zoning we respectfully recommend the sale of these properties to Philip Enterprises Inc. to facilitate their project.

c.c. Alderman B. Hinkley, Alderman, Ward 3  
Alderman D. Drury, Alderman, Ward 3  
Mrs. P. Noé Johnson, City Solicitor  
Mr. E. C. Matthews, Treasurer  
Ms. L. MacNeil, Property Clerk, Surveys

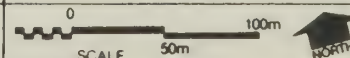


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This is not a Legal Document  
For Zoning Verification Please  
Contact City Building Department.

CITY OF HAMILTON  
**INDUSTRIAL SECTOR**  
**'B' AND KEITH**  
**ZONING**

----- Neighbourhood Boundary  
----- Zoning Boundary.



Prepared for The City of Hamilton  
by the Planning and Development Department  
of The Regional Municipality of Hamilton Wentworth

PLANNING  
UNIT NO  
6202  
6212

JUNE 1988

PAGE NO  
70





CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

9.

\*\*\*\*\*

TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

YOUR FILE:

FROM: Mr. John Thompson, Secretary  
Finance & Administration Committee

OUR FILE:  
PHONE: 546-2747

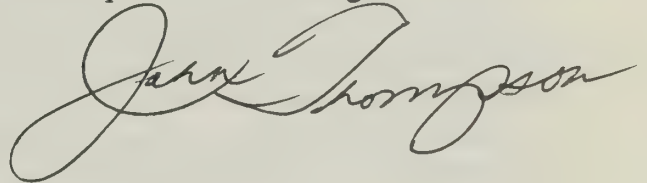
SUBJECT: 1100 LIMERIDGE ROAD EAST

DATE: 1991 June 27

Subjoined for your information and appropriate action is a copy of Section 40 of the Twelfth Report of the Finance and Administration Committee recommending that the necessary steps be taken to rezone the subject property which was adopted by City Council at its meeting held 1991 June 25.

In this regard, I am attaching for your perusal a copy of the report of the Chief Administrative Officer dated 1991 June 12 outlining the reasons why the above property should be rezoned to permit the development of 57 senior citizen apartment units which was received and approved by the Finance and Administration Committee at its meeting held 1991 June 20.

That the Planning and Development Committee be requested to initiate a rezoning of the parcel of land known municipally as 1100 Limeridge Road East to permit the development of a 57 unit senior citizens low-rise apartment building.



cc: Alderman D. Ross, Chairman  
Municipal Non-Profit (Hamilton) Housing Corporation

Mr. A. Georgieff, Director  
Local Planning

Mr. D. Vyce, Director  
Property Department

Mr. M. Mascarenhas  
Manager, Housing Department

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 June 12

**REPORT TO:** Mr. J. D. Thompson, Secretary  
Finance and Administration Committee

**FROM:** Mr. Lou Sage  
Chief Administrative Officer

**SUBJECT:** 1100 Limeridge Road East - Request for Rezoning

**RECOMMENDATION:**

That the Planning and Development Committee be requested to initiate a rezoning of the parcel of land known municipally as 1100 Limeridge Road East to permit the development of a 57 unit senior citizens low-rise apartment building.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

See Discussion.

**BACKGROUND:**

The City of Hamilton is the present owner of a 2.98 acre (12,058 m<sup>2</sup>) vacant parcel of land situated at 1100 Limeridge Road East in the Trenholme Neighbourhood (see Appendix A). The subject lands have been declared surplus to the needs of the City and the public tendering process has resulted in an acceptable bid for the parcel of land. As well, the Municipal Non-Profit (Hamilton) Housing Corporation has expressed a desire to the Property Department to obtain these lands and develop a senior citizens non-profit housing project.

The subject lands are currently zoned RT-10/S-229; City of Hamilton By-law 72-297 provides that the 12 acres of land on the south side of Limeridge in the area east of Upper Ottawa Street, which includes the subject lands, could be developed for townhouses to a maximum density of 123 units. The easterly portion of the lands contain a 66-unit townhouse project and on the westerly portion is located Hamilton Firehall No. 5. Accordingly, this would leave a balance of 57 units that can be developed. However, the subject lands must be developed in accordance with the RT-10 District regulations. Based on a lot area of 12,058.3 m<sup>2</sup>, this would allow for approximately 44 townhouse units.



An appraisal was undertaken in February, 1991 to determine the market value of the land at its highest and best use. The appraisal stated the highest and best use was for townhouses and market value of the site was approximately \$31,000 per townhouse unit, \$1,350,000 in total.

### **DISCUSSION:**

Over the past several years, there have been efforts to construct a non-profit senior citizens housing project at this site. The need and demand for senior citizens non-profit housing is very evident in Hamilton: as of February, 1991, there were 276 senior citizen households on the waiting list of the Hamilton-Wentworth Housing Authority in addition to 60 senior citizen households on the waiting list for units available from the Hamilton Housing Company. Moreover, the results of an Assisted Housing Survey conducted in 1988 revealed that some 1,940 senior households in Hamilton were in need of some form of socially-assisted housing. In addition, population projections suggest the number of senior citizens in Hamilton will increase over the next two decades.

The present RT-10 zoning designation makes the development of a non-profit senior citizens apartment building uneconomic. This is because current Maximum Unit Prices (the maximum cost at which non-profit housing projects can be developed) permit land costs for senior citizens apartment projects to be approximately \$10,000 per unit.

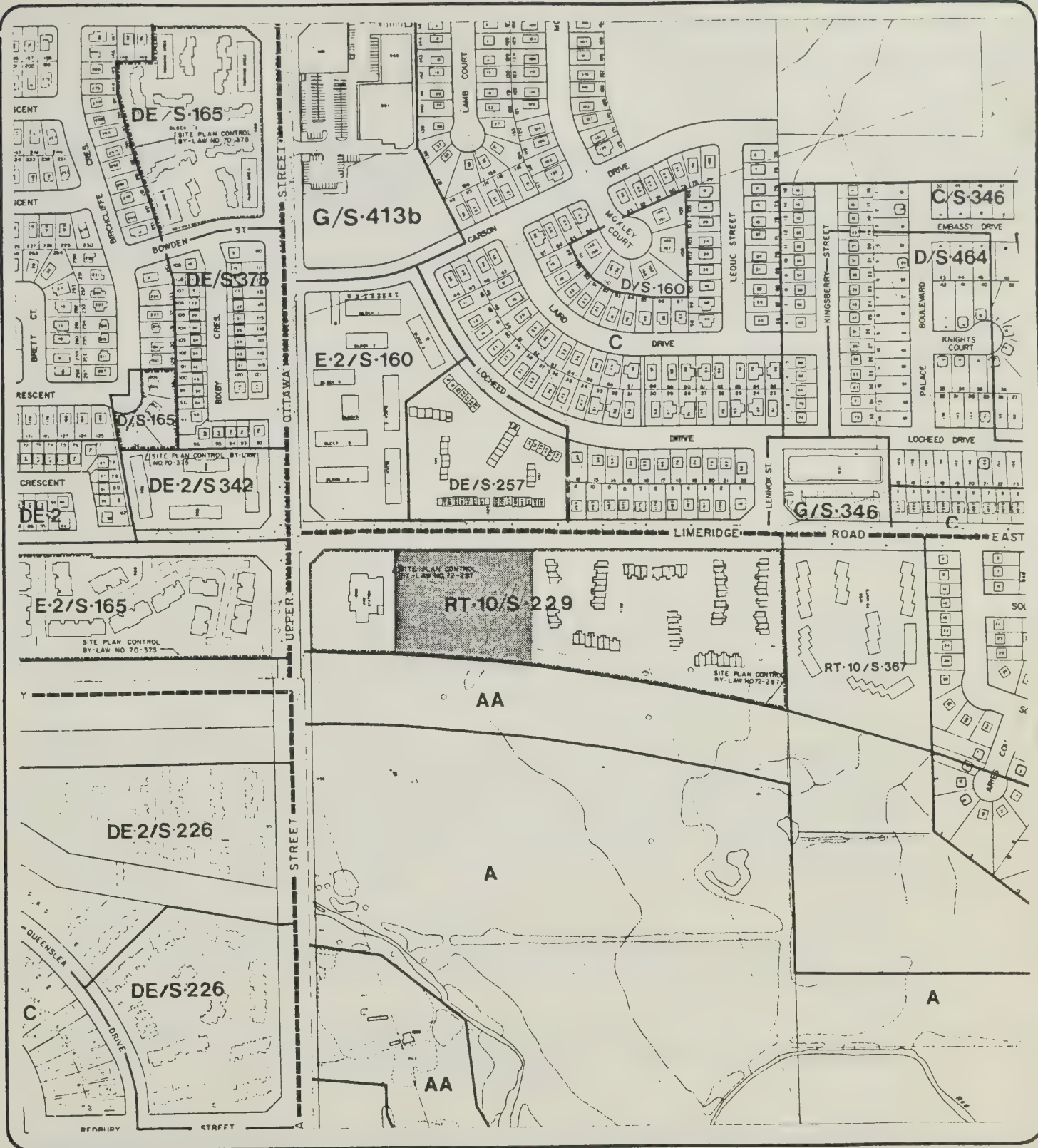
The Planning and Development Department has indicated they would support a maximum of 57 units for a senior citizens apartment project, providing the development is low profile, i.e., four stories. An appraisal report conducted in February, 1991, stated the market value of the subject lands for 57 senior citizen apartments would be \$570,000 or \$10,000 a unit; this is consistent with the Maximum Unit Prices guideline for land costs for senior citizen apartments.

There is a \$780,000 difference in the estimates of market value of the subject lands depending on which zoning designation is applied. However, the long-term social benefits of constructing senior citizens housing on this parcel would be beneficial for the community.

As this land was purchased in the 1950's, the City would realize a financial gain irrespective of its ultimate zoning designation. What also must be recognized is that the need for senior citizen housing is very evident in Hamilton and this site is especially attractive in light of its proximity to public transit, shopping and other amenities. Moreover, the development of a low-rise apartment structure would provide a visual alternative to the current streetscape along Limeridge Road, which is predominantly townhouses. The development of a senior citizens housing project would also achieve a socially desirable integration with the family non-profit townhouse project to the east.

***CONCLUSION:***

The use of this surplus City-owned parcel of land for senior citizen's housing would respond to a growing demand for senior citizen housing in Hamilton. The City would achieve a financial gain and at the same time meet an important social objective, the provision of affordable housing. In addition, the development would provide a visual alternative to the current streetscape and integrate socially with the adjacent family non-profit housing development. Therefore, the property should be rezoned to permit the development of 57 senior citizen apartment units.

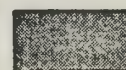


City of Hamilton

## Key Map

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Subject Site

North



Scale

1:5000

Date

JUNE, 1991

Reference File No.

Drawn By

L.B.





DISTRIBUTED FOR INFORMATION

TO

M. Mascarenhas (4604)  
S Reeder.

DATE

SIGNATURE



**Co-operative  
Housing Federation  
of Canada**

**Fédération  
de l'habitation  
co-opérative  
du Canada**

202-275 Bank, Ottawa, Canada, K2P 2L6 (613) 238-4644 FAX (613) 238-4492

June 17, 1991

Attention: City Clerk  
City of Hamilton  
71 Main Street, West  
Hamilton, Ontario  
L8N 3T4

RECEIVE

JUN 20 1991

CITY CLERKS

10.

Dear Sir/Madam:

I wish to thank your municipality for supporting our effort last year to convince the government to keep the federal co-operative housing program working. There is no question that the support shown by yours and other municipal councils' resolutions was an invaluable help in convincing the federal cabinet to keep the program.

For more than twenty years co-operatives have provided good modest quality housing for low- and moderate-income earners. A recent evaluation by Canada Mortgage and Housing Corporation of federal co-operative housing programs found that co-operatives achieve a high degree of income-mixing without polarization of income groups and contribute to building healthy communities. Further, co-op housing is a cost effective way for the federal government to sponsor non-profit housing.

It is this contribution that hundreds of municipalities, in conjunction with the Federation of Canadian Municipalities, recognized in giving their support to the renewal of the federal co-op housing program.

Unfortunately, however, although the federal program will continue for this year we still have concerns regarding the future of co-op housing in Canada.

First, fewer than 1500 units will be funded for all of Canada. When the current co-op housing program was introduced in 1986, the government stated its intention to produce 5,000 new units a year. That target has never been reached, and in recent years production has dropped steadily to the current low level. Yet at least two million Canadian households are unable to afford home ownership and half of these cannot afford rental housing. CMHC has estimated that half a million renter households are interested in moving into housing co-ops.

Further, while the government has officially removed the label "experimental" from the co-op housing program, it has not indicated any plans to provide funding beyond the end of 1991. Yet a co-op development is often two to three years in the making and requires many hundreds of hours of volunteer work. In order for groups to develop project proposals for

1992, it is important to have assurance now that program funds will be in place.

Finally, measures have been introduced to restrict co-op housing to people under certain income levels and to impose rent surcharges on those occupants whose incomes rise above those levels. After more than 20 years of proving that mixing income earners is a key ingredient in ensuring that co-ops function as healthy communities, new housing co-ops must now restrict entry to households earning less than \$41,000 to \$60,000, depending on the province. Yet these households must pay market level rents, which can go as high as \$1,200 a month for a three bedroom townhouse in the Toronto area.

In the name of weeding out a small percentage of households these new controls will impose a significant administrative burden on new co-operatives. They also compromise the fundamental income-mixed nature of co-op housing, without any justification, given that middle income households pay market rents. The threat of economic eviction for those occupants whose incomes rise also seriously affect the security of tenure afforded by co-op housing, which is so important to the building of stable and healthy communities.

We intend to bring our concerns to the Honourable Elmer MacKay, Minister Responsible for Canada Mortgage and Housing Corporation, and his officials and to ask for changes.

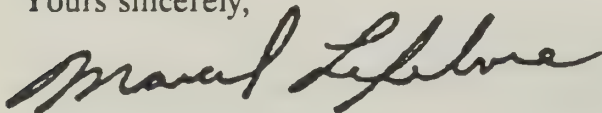
Specifically we are asking for increased federal sponsorship of new co-op housing projects, a commitment that program funds will be forthcoming after 1991, and removal of the income caps and surcharges or adjustments to mitigate some of their worst expected effects. We would appreciate it if your municipality could endorse the attached statement and forward it to the Honourable Elmer MacKay as soon as possible.

Should you require more information, please contact Ms Alexandra Wilson, our executive director.

We would appreciate receiving copies of any resolutions or letters supporting our position that your council prepares.

Thank you in advance for your help in our continued efforts to keep co-op housing working.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Marcel Lefebvre". The signature is fluid and cursive, with the first name "Marcel" written in a larger, more prominent script than the last name "Lefebvre".

Marcel Lefebvre  
President

ML/pab





**Co-operative  
Housing Federation  
of Canada**

**Fédération  
de l'habitation coopérative  
du Canada**

202-275 Bank, Ottawa, Canada, K2P 2L6 (613) 238-4644 FAX (613) 238-4492

June, 1991

**SAMPLE RESOLUTION REGARDING  
FEDERAL CO-OPERATIVE HOUSING PROGRAM**

**WHEREAS** many Canadians experience serious housing problems; and

**WHEREAS** the Federal Non-Profit Co-operative Housing Program is the last direct non-profit housing program funded by the Government of Canada; and

**WHEREAS** a 1990 evaluation conducted by the Canada Mortgage and Housing Corporation has shown co-op housing to be highly successful in creating healthy mixed-income communities; and

**WHEREAS** co-operative housing is an important alternative for the 38% of Canadians who are not homeowners; and

**WHEREAS** the index-linked mortgage, introduced in Canada by the co-op housing sector, has substantially reduced the cost to the government of producing non-profit co-op housing;

**BE IT RESOLVED THAT** \_\_\_\_\_ (organization) ask the Government of Canada to commit itself to sponsoring at least 5,000 new non-profit co-op housing units a year and that its co-op housing program allow for access to co-operative housing by all without economic or social barriers.



# HOUSING DEPARTMENT

## MEMORANDUM

10a.

\*\*\*\*\*

TO: Susan Reeder  
Secretary,  
Planning & Development Committee

YOUR FILE:

FROM: Mark Mascarenhas  
General Manager  
Housing Department

OUR FILE: 800-MNP-1.0  
PHONE: 546-4604

JUN 27 1991

SUBJECT: Council Resolution  
Federal Co-operative Housing Programme

DATE: 1991 June 25

Further to our telephone conversation of June 24, I wish to provide herein some comments relating to the Co-operative Housing Federation's request for a Council Resolution on the Federal Co-operative Housing Programme.

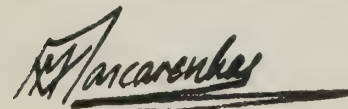
I have studied the letter and sample resolution and have no problems with the items related to income-mixing and additional Federal funding for more units. However, there is a matter that one could be more circumspect about, which deals with Federal measures to prohibit high income earners (\$41,000 - \$60,000 per annum depending on the Province) from living in Co-ops.

The Federal move is intended to prevent people who can afford homeownership or rents in the private market from taking advantage of co-op rents which are generally lower than the private market. This, in my opinion, is not such a bad move since it will prevent, for example, the repetition of some highly publicized cases in Toronto of high income earners benefitting from low market rents in choice co-ops on the harbourfront.

In this era of budget deficits and a continuing need by low and moderate income earners for decent and affordable housing, the Federal Government's decision on establishing "in-going" limits does not appear to be unwarranted. Units occupied by high income earners could very well be occupied by moderate income earners, and income integration could still be maintained. As such, if this is the consensus of Planning & Development, then the resolution could be amended to delete the wording in the last sentence "without economic or social barriers" to be replaced by "low and moderate income Canadians".

The inclusion of "social barriers" is a mystery since there are none to speak of in the new Federal policy.

If there is anything more you need please let me know.



General Manager,  
Housing Department

MM:ph

C. C. I. Sage C. A. O.





SCARBOROUGH PLANNING DEPARTMENT

TO:

CHAIRMAN AND MEMBERS OF THE  
SCARBOROUGH PLANNING COMMITTEE

RE: Housing Intensification Study

File: W87052

February 28, 1991

Agenda: March 7, 1991

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On February 21st, while discussing the Housing Intensification Study, Planning Committee directed the Commissioner of Planning to bring forward to Planning Committee on March 7th a report setting out the issues requiring provincial remedies.

As well as outlining the issues, this report sets out options for Council action, and provides the context for its consideration of these options.

Council commissioned the Housing Intensifications Study in 1988, to enable it to decide if the zoning regulations should be changed to permit basement apartments. "Basement Apartment" is the term commonly used in Scarborough to cover all second units, or accessory units in houses. To avoid confusion, we will use the term **second units**.

1. **CONTEXT: SECOND UNITS IN THE HOUSING MARKET**

Second units account for less than 10 per cent of Scarborough's dwelling units. This relatively low proportion can be expected to continue in the future, as long as Scarborough continues to provide alternative opportunities to meet the housing needs of a growing population in Scarborough and the Greater Toronto Area.

1.1 **Opportunities for New Housing**

In the 1980's and so far in the 1990's, Council decisions have significantly increased housing opportunities, and indicated a desire to further increase the city's housing stock.

- . approximately 3200 additional units per year through Official Plan Amendments in the period 1980-1989.
- . permission for another 5000 units in late 1990 and early 1991 (Sheppard/Markham, and City Centre East Expansion)

J.W. Nigh A.M.C.T., C.M.C.  
City Clerk

S.F. Brickell, A.M.C.T.  
Deputy City Clerk

RECEIVED

APR 20 1991

CITY CLERKS

TO THE REGIONAL MUNICIPALITIES OF DURHAM, HALTON, HAMILTON-WENTWORTH, METROPOLITAN TORONTO, NIAGARA, OTTAWA-CARLETON, PEEL, WATERLOO, AND YORK AND THE MUNICIPALITIES WITHIN THOSE REGIONS, AND TO MUNICIPALITIES IN THE CENSUS METROPOLITAN AREAS OF LONDON, TORONTO AND WINDSOR.

April 15, 1991

To the Municipal Clerk:

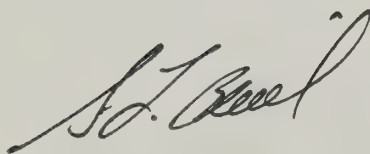
Re: Second Units: Requested Provincial Government Action

Enclosed for your comments is a copy of a Resolution adopted by Scarborough Council on March 20, 1991.

A copy of a report dated February 28, 1991 of the Commissioner of Planning and Buildings, relating to the Study, is also enclosed for your information.

Council would appreciate receiving the comments of your Council on the subject Resolution.

Yours truly,



J. W. Nigh  
City Clerk

SFB:il  
Enclosures





**CONCLUSION:**

Municipalities across Ontario are responding in different ways to the challenges posed by the issue of residential intensification. The approach taken by the City of Scarborough has been to emphasize the legal mechanisms that could be made available to municipalities if the Provincial Government changes a number of legislative acts. The recently adopted Housing Intensification Strategy for Hamilton has recognized this as important as well.

However, given that the Scarborough resolution addresses only one facet of housing intensification (basement apartments), that Hamilton's situation is different than that of Scarborough and that local action is required now rather than to await Provincial action , it is suggested that the resolution be received for information.

KE/



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

11a.

**DATE:** 1991 July 10

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

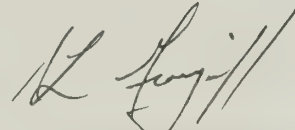
**SUBJECT:** City of Scarborough Resolution - Second Units: Requested Provincial  
Government Action

**RECOMMENDATION:**

That the resolution from Council of the City of Scarborough in regard to Provincial Government Action for second units be received.



J. D. Thoms M.C.I.P.  
Commissioner  
Planning and Development Department



A. L. Georgieff, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The attached resolution from the City of Scarborough forwarded to the City of Hamilton and other Ontario municipalities is indicative of the frustrations some municipalities are facing in attempting to address the issue of basement apartments in single family dwellings.



It is clear Scarborough is experiencing similar difficulties as is Hamilton in terms of ensuring the adequate enforcement of standards for converted or second units. In Scarborough, the primary form of conversions has been basement apartments while in Hamilton conversions have occurred in all parts of dwelling and not exclusively basements. There is recognition in the Scarborough strategy and in the recently adopted Hamilton Housing Intensification Strategy that there has to be some action undertaken by the Provincial Government to ensure the municipality has the appropriate legal mechanisms to deal fully with converted units for housing intensification programs to be successful.

The Scarborough resolution outlines a number of actions the Provincial Government should consider prior to the municipality considering the legalization of second units. Some of these Provincial actions have been requested by the City of Hamilton. These include providing zoning by-law inspectors, property standards inspectors and building code inspectors with right-of-entry provisions and ensuring that converted units are appropriately assessed to ensure the municipality receives property tax revenues.

### ***DISCUSSION:***

The overall approach taken by Scarborough in regard to this issue is quite different than the approach taken by the City of Hamilton. Hamilton's Housing Intensification Strategy is much broader as it recognizes other forms of residential intensification as being viable and supportable. Further, Hamilton's strategy emphasises greater involvement of the community in addressing issues associated with the existing concentration of converted units, the need for more social housing within the community and specific Zoning By-law amendments that would allow the City greater control on the type of conversions to occur.

The approach taken by Scarborough has focused primarily on obtaining the legal mechanisms that would ensure converted or second units are fully controlled by the City. For example, one facet of Scarborough's strategy is to have the Municipal Act amended to permit municipalities to pass By-laws licensing and regulating converted units in dwellings. Whether the Province would agree to such an amendment is unclear.

As noted both the issues and approach regarding second units in Scarborough differs from that of Hamilton. Scarborough's strategy is to request Provincial legislation before any local action is undertaken. The Hamilton Housing Intensification Strategy has recognized that local actions together with provincial initiatives are required now, rather than awaiting future legislation, in order to create equity in all parts of the City, provide increased conversion opportunities and address the concerns of the neighbourhood residents.



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Office of the Chief Administrative Officer  
119 King Street West, 15th floor  
Hamilton, Ontario

Tel. (416) 546-4263  
Fax (416) 546-2340

CITY  
P.O.

REC

12.

Friday, June 21, 1991

Mr. Keith Avery  
City Clerk  
City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Mr. Avery:

It is my pleasure to relay to you that the Regional Chairman's Task Force on Affordable Housing has completed its Final Report. This Report will be formally received by Regional Council on July 16, 1991, and then deliberated upon at a special Regional Council meeting proposed for September 3, 1991.

At this present point in time, I am forwarding a 'preview' copy of the Report to allow your staff the opportunity to prepare a response on the Report for your Council. The reason for this advance copy is the anticipation that your Council would like to comment on the Report, and the fact that the time line for staff contribution to such a response is fairly compressed after the July 16 Regional Council meeting. In consultation with the Regional Chairman, it was felt your staff might well appreciate having the Report made available to them in advance of its formal submission to Regional Council.

The following is a brief outline of the schedule of events surrounding the Task Force Report. You will note there is reference to this 'preview' step mid-way through the outline:

- o The Final Report will be formally presented to Regional Council on July 16, 1991. There will not be an extended discussion of the Report at this time. A special meeting of Regional Council will be proposed for September 3, 1991 to deal solely with the Report. The September date gives Regional Council members time to study the document, and it gives Regional Departments and Area Municipalities time to review the Report's contents as well.

Committees of Regional Council will be invited to include the Report as an information item on August meeting agendas. Task Force members will be available to do brief 'overview' presentations on their Final Report for any of the Committees that do choose to include the Report as an agenda item. Task Force members are also available to do a similar presentation to Area Municipal Councils after the July 16 formal presentation of the document.

- o On Friday, June 21, the enclosed 'preview' copy of the Final Report is being circulated to Regional Departments and to all Area Municipalities (accompanied by this letter), so that work can begin on Regional staff and Area Municipal responses to the Report. The Regional staff response will be coordinated by the Regional Planning and Development Department.
- o Also on Friday, June 21, an 'update' letter will go out to all the (350) names on the Task Force mailing list to inform them of the completion of the Task Force Final Report and the fact that it will be formally submitted to Regional Council on July 16.
- o A special meeting of Regional Council will take place on September 3, 1991 to consider the Final Report and to make final decisions regarding recommendations and implementation requirements. The Regional staff report on the Task Force Final Report will also be included in Regional Council agenda packages.

You should send your Council's response on the Task Force Final Report to the Regional Clerk's Department by August 22, 1991, in order to have it included with the materials for the September 3 special Regional Council meeting.

I should reiterate that Task Force members are more than willing to attend one of your Council meetings, to provide you with a brief overview of the Report once it has been formally submitted to Regional Council on July 16.

If you have any questions regarding this letter, the release of the Final Report prior to its formal submission to Regional Council on July 16, or if you wish to schedule Task Force members to make a presentation, please contact Lisa Walters, Task Force Coordinator (546-4348) until June 28, and contact Mary Lou Tanner, Regional Planning (546-4219) or Mark Bekkering, Regional Planning (546-2150), after July 1.

Sincerely,



Councillor Don Granger  
Chairperson  
Regional Chairman's Task Force  
on Affordable Housing

cc: All Area Municipal Planning Directors  
All Regional Council Members, Regional Municipality of Hamilton-Wentworth  
Mr. Mac Carson, Chief Administrative Officer, Regional Municipality of Hamilton-Wentworth  
Mr. Bob Prowse, Clerk, Regional Municipality of Hamilton-Wentworth



12a.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 July 17

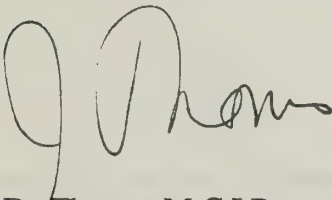
**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

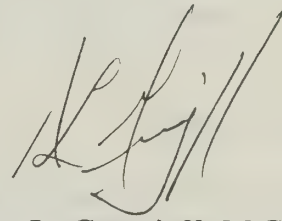
**SUBJECT:** Comments on the Final Report of the Regional Chairman's  
Task Force on Affordable Housing

**RECOMMENDATION:**

- A) That the comments contained in the report reviewing the "Final Report of the Regional Chairman's Task Force on Affordable Housing", attached as Appendix A, be endorsed; and,
- B) That the Chairman's Task Force on Affordable Housing and Regional Council be so advised of City Council's endorsement.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



A. L. Georgieff, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

None at this time.

**BACKGROUND:**

The Final Report of the Regional Chairman's Task Force on Affordable Housing has been forwarded to the City of Hamilton for review and comment (see Appendix B for Task Force's recommendation). Members of Regional Council are to discuss the recommendations of the Final Report at a special meeting of Regional Council on September 3, 1991. Comments from the City of Hamilton have been requested prior to this special meeting of Regional Council.

The Task Force was formed in September, 1989 in response to growing concerns about the provision of housing that was affordable to households in Hamilton-Wentworth. At that time, house prices were increasing rapidly, rental apartment vacancy rates were very low and there was the perception that households in Hamilton-Wentworth had reduced housing choices compared to previous years.

The Task Force is composed of 25 individuals from a variety of backgrounds and include representatives from the non-profit housing sphere, real estate, local politicians, homebuilding and several community-based outreach organizations that focus on housing matters.

The formal purpose of the Task Force, was to:

- A. To provide direction for Regional involvement in the provision of a full choice of affordable housing to meet needs.
- B. To provide advice to Area Municipalities and the providers of non-profit and cooperative housing on methods to maximize benefits of Federal and Provincial housing initiatives.
- C. To ensure that units are provided on a priority basis for those persons/organizations with the greatest need.
- D. To provide input and direction to staff investigating alternative Regional strategies to meet existing and future housing requirements.

### ***DISCUSSION:***

The Task Force has proposed an innovative and provocative strategy in regard to addressing the diverse affordable housing needs in Hamilton-Wentworth and is to be commended for their efforts. The recommended actions outlined in the strategy have the potential to ensure that more households in Hamilton-Wentworth have housing that is affordable and appropriate to their individual circumstances. As well, the recommended actions will likely create a more conducive policy planning context that would facilitate the construction of affordable housing.

Although most of the recommendations in the report can be supported, there are three main areas of concern the Task Force should be made aware of:

- 1) It is not clear why a separate Regional Housing Commission is deemed the appropriate vehicle for implementing these actions compared to existing Regional Departments or through the creation of a Regional Non-Profit Housing Corporation. There would be a clear duplication of housing related responsibilities with the City of Hamilton that would result with the establishment of a Regional Housing Commission;
- 2) The use of the Residual Income Method to quantify housing need in Hamilton-Wentworth is difficult to translate to the actual number of "affordable" housing units required in a community; and,

- 3) A number of proposed initiatives, e.g., Regional Neighbourhood Planning Committees, infringe upon the mandate and role of local land use planning. The role and mandate of the Province, the Region and the Area Municipalities in regard to the land use planning process needs to be more clearly defined by the Task Force.

In addition, there are a few recommendations which require clarification and/or reconsideration by the Task Force. Appendix A of this report provides specific comments on these Task Force recommendations which directly impact the City.

### ***CONCLUSION:***

Based on the foregoing, Regional Council and the Chairman's Task Force should be advised of the specific comments with regard to their report, contained in Appendix A of this report.

KE/dkp



APPENDIX A

COMMENTS ON THE RECOMMENDATIONS  
FROM THE FINAL REPORT OF  
THE REGIONAL CHAIRMAN'S TASK FORCE ON AFFORDABLE HOUSING

## APPENDIX A

### COMMENTS ON THE REPORT OF THE REGIONAL CHAIRMANS TASK FORCE ON AFFORDABLE HOUSING

The Regional Chairman's Task Force is to be commended for producing a thorough document on a very important and difficult issue that affects all residents of Hamilton-Wentworth.

However, in general terms, the Task Force Report appears to provide some duplication between the present role of Area Municipalities and the Region in the land use planning approvals process. In several instances, recommendations are made by the Task Force (e.g. 3.1 and 3.2) which call for a Regional role in areas that have been traditionally the responsibility of the local municipality. Further clarification of Regional and Local functions is required.

The specific recommendations of the Final Report of the Regional Chairman's Task Force that have implications on the City are identified and comments provided below. A number of recommendations can be supported without any discussion. These include: 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.11, 2.12, 2.13, 2.14, 4.5, 5.2, 5.3 and 5.8.; however, the following recommendations are worthy of clarification or reconsideration by the Task Force.

#### *RECOMMENDATION 1.1*

*That the Regional Official Plan be amended to include a statement that it shall be the goal of Regional Council to achieve a minimum of 25% affordable housing (as defined in Recommendation 1.6) in all urban and rural planning units/neighbourhoods of Hamilton-Wentworth, existing and new, subject to servicing availability, in order to guarantee all residents have the opportunity to live in every area of the Region.*

#### Comment:

It should be noted that this requirement will be implemented on a local level as well as at the Regional level. This approach in regard to the 25% affordable housing requirement may be inconsistent to the approach the City of Hamilton may take in implementing of the Provincial Policy Statement. Further, it is not clear how 25% affordable housing can be achieved in existing neighbourhoods. Accordingly, this recommendation cannot be supported as there would be insufficient flexibility for the City in implementing the Provincial Policy Statement, if the Regional Official Plan is amended in this manner.

#### *RECOMMENDATION 1.2*

*That the Regional Official Plan be amended to include a statement that it shall be the policy of Regional Council to ensure an adequate and suitable supply of land is designated for medium to high density (12 or more units per acre) residential development and adopt as the current guideline the recommended target (part of the Regional Housing Statement Update) that at least 45% of all new development be medium or high density, subject to adequacy and availability of servicing.*

#### Comment:

The 45% target of medium and high density housing is consistent with actual housing completions (based on Canada Mortgage and Housing Corporation data) that occurred in the City of Hamilton from the period January, 1988 to March, 1991: single and semi-detached

units accounted for 54.5 percent of all completions; row/townhouse units accounted for 30.0%; and apartment units accounted for 15.5 percent of all completions.

However, these targets are only guidelines which are dependent on private market activities to be achieved. Therefore, it should be recognized that the targets may not always be achieved.

### RECOMMENDATION 1.3

*That the Regional Official Plan be amended to include a statement that it shall be the policy of Regional Council to approve Regional Official Plan amendments asking for the redesignation of land when applicable only after the applicant has demonstrated how the Region's affordable housing goals and density targets will be addressed.*

#### Comment:

It is not clear if this recommendation is intended to apply to all lands or only for lands involving residential designations. It appears affordable housing concerns would take precedence over other policy considerations in terms of Official Plan redesignations. Accordingly, the Task Force should provide further clarification on the intent of this recommendation.

### RECOMMENDATION 1.4

*That the Regional Official Plan be amended to indicate that home sharing, home conversions, conversions of non-residential buildings to residential purposes, infill and redevelopment are necessary processes for addressing the full range of affordable housing needs in all Area Municipalities of the Regional Municipality of Hamilton-Wentworth.*

#### Comment:

This recommendation can be supported. City Council has recently adopted the Housing Intensification Strategy and the amendments advocated by the Task Force would be consistent with the general policy directions of the City's strategy. It should be noted that these forms of residential intensification are already permitted in the Hamilton Zoning By-law. However, the other Area Municipalities should also be required to provide for their fair share of the demands for these types of housing developments.

### RECOMMENDATION 1.6

- a) *That the Residual Income Method be adopted as a needed component for identifying the affordable housing needs in The Regional Municipality of Hamilton-Wentworth.*

#### Comment:

The Task Force has recommended that a combination of statistical methods is required "to more definitively identify the housing needs of Hamilton-Wentworth residents." It is not clear why this fundamental research task was not undertaken at the outset by the Task Force. This raises concerns in regard to the rationale or quantitative basis of the Task Force recommendations in terms of responding to housing needs in Hamilton-Wentworth. In addition, the Task Force report has not linked the definition of affordable housing to the quantity and type of affordable housing that is actually needed in Hamilton-Wentworth.

The Task Force advocates the use of the Residual Income Method as one way of identifying affordable housing needs in Hamilton-Wentworth. Use of the Residual Income Method is of concern as it only shows "those groups in the Region who may have trouble finding



affordable shelter". This method does not quantify households in Hamilton-Wentworth who are experiencing housing affordability problems and their socio-economic and demographic characteristics and the extent of housing affordability problems in the Region. The Residual Income Method would also be difficult to update on a yearly basis which would constrain Area Municipalities in implementing the provisions of the Provincial Policy Statement.

Will the Area Municipalities be required to use this method to determine affordability under the Provincial Policy Statement on Land Use Planning for Housing? If so, what are these figures? The Area Municipalities must have flexibility to use various methodologies to define affordable housing within their communities.

In addition, these affordable levels must be updated on an annual basis in order to implement. As accurate income information is only available through the Census, these numbers may be difficult to update.

Further clarification of the impacts of the Residential Income Method should be undertaken before this recommendation is adopted.

#### *RECOMMENDATION 2.1*

*That the Commissioner of Planning and Development be authorized and directed to organize a technical committee, made up of representatives from Regional and Area Municipal Planning Departments, relevant Provincial agencies, and the Housing Development Industry, with the mandate to prepare a framework for new zoning by-laws that can be adopted by the Area Municipalities...*

#### Comment:

The broad concept of reviewing Area Municipality zoning by-laws is supportable; however, it is inappropriate to suggest the only option in regard to future zoning by-laws is "to replace the current exclusionary zoning by-laws with flexible zoning by-laws." This recommendation may conflict with the aim of the Provincial legislation which allows local municipalities to develop zoning by-laws reflective of the demographic and socio-economic characteristics of their community. Zoning by-laws which do not take into account local circumstances and needs may be as inflexible as current by-laws.

#### *RECOMMENDATION 3.1*

*That public participation principles be adopted and applied to the planning process in order to provide citizens an effective role in changing and improving their community. These recommended principles are as follows:*

- a) The public should be promptly provided with proper information and notification of change in order to facilitate consultation.*
- b) Appropriate opportunities for consultation to occur should be provided throughout and at the end of a participation process.*
- c) The results of consultation should be reported back to the Region and Area Municipalities in an unaltered and unbiased manner.*
- d) Policies and programs should be accessible, clear, concise and timely.*
- e) Community members should be encouraged to define and meet their own needs, free from coercion and with provision of appropriate information and resources...*

Comment:

The Task Force has suggested the land use planning process is altered and biased and the public is coerced during the process. The City of Hamilton has been a leader in community-based neighbourhood planning since the 1970's. Together with the requirements of the Planning Act, and the planning process followed by the City, significant public participation is ensured.

It is likely the recently announced Provincial inquiry chaired by John Sewell on the present land use planning process will address the issue of public participation in further detail.

*RECOMMENDATION 3.2*

*That appropriate Regional staff be authorized and directed to provide support to Area Municipalities and encourage them to initiate a pilot project to establish and support neighbourhood based planning committees in four or five different neighbourhoods in the Region whose purpose is to examine affordable housing and other inter-related issues as they exist in these particular communities.*

Comment:

It is not clear what exactly is being advocated in this recommendation. Currently, the City undertakes neighbourhood planning for both existing and undeveloped neighbourhoods. This process is being modified to deal with neighbourhood impacts of housing conversions. This recommendation appears to be a duplication of the City's planning function. Perhaps, the Region could support local efforts in this regard through data collection, staff support and funding. Further clarification and a more definitive Terms of Reference should be undertaken before approval of this recommendation.

*RECOMMENDATION 3.3*

a) That appropriate staff (provided with appropriate budget resources) be directed to work with Area Municipalities, citizen groups, churches, and other community based organizations in projects that could include, but are not limited to, the following:

- *accessing programs such as PRIDE;*
- *developing local rehabilitation and repair centres involving trades people, retirees, and other volunteers, and accessing funds available through training or retraining programs, to assist those in need;*
- *facilitating rehabilitation of existing residential dwellings on the principle of sweat equity for the homeless;*
- *developing agreements with owners of vacant parcels of land to promote the interim use of these properties...*

Comment:

There would be a large degree of overlap and conflict with current City housing loans and community improvement programs and planning initiatives. Duplication is both costly and inefficient. In addition, such duplication could impact on the City's ability to access funds from senior levels of government. It is not clear from the Task Force report how this duplication would be rectified or what will be the role of the area municipalities. Further clarification is required from the Task Force prior to approval of this recommendation.



**RECOMMENDATION 6.1**

*That the Commissioner of Planning and Development, in conjunction with the Commissioner of Social Services, other relevant departments, providers of housing, and members of the Chairman's Task Force on Affordable Housing be authorized and directed to develop a detailed implementation plan for the creation of a Regional Housing Commission and present this report for consideration by Regional Council in six months.*

**Comment:**

The focal point of the Task Force strategy is the creation of a Regional Housing Commission. It is through this Commission that the majority of the Task Force recommended actions are to be implemented. The Regional Housing Commission would take the form of a "quasi non-governmental organization" made up of political and citizen representatives and would operate at "arms length from government". The Commission would be the "vehicle through which the Region could manage the devolved housing authority it is seeking the from the Province" and an "agent to foster even more community development and participation in housing issues."

The responsibilities of the Commission are noted as being "planning, coordinating and delivering housing related services" that have been devolved from the Provincial Government. It appears the Task Force has envisioned the Commission as an autonomous body with special legislative authority in regard to all housing-related matters in Hamilton-Wentworth.

It may be the case that the Regional Housing Commission could duplicate a number of functions currently provided by the City of Hamilton. For example, one of the roles suggested by the Task Force is to "develop a Region-wide delivery mechanism for community-based rehabilitation and maintenance programs." The City of Hamilton presently administers a number of Provincial, Federal and City rehabilitation programs through the Housing Loans section of the Building Department. It is not clear that the Regional Housing Commission could fulfil this role more capable and responsive than the City of Hamilton currently does.

In addition to the duplication of housing-related services currently provided by the City, there is also the issue of accountability. The Task Force makes the argument that the Commission would be "formally accountable primarily at the local level to residents of Hamilton-Wentworth and their representatives on Regional Council." However, it is not clear how this will be accomplished.

A final concern is with the dollar cost of the Regional Housing Commission. The Task Force report did not address the cost of establishing and operating the Commission. These costs could be substantial if the Regional Housing Commission does not receive monies generated through various housing supply programs.

Although the scope of the efforts of the Housing Commission is desirable in terms of addressing affordable housing needs in Hamilton-Wentworth, the concept of an unelected special purpose body exclusively responsible for all "planning, co-ordinating and delivering housing related services" in Hamilton-Wentworth needs to be examined in greater detail.

**SUMMARY:**

Although most of the recommendations in the final report of the Chairman's Task Force on Affordable Housing can be supported, a number of concerns are evident, primarily:



- 1) The proposed Regional Housing Commission would duplicate a number of housing initiatives currently undertaken by the City while the issue of accountability has not been addressed;
- 2) The use of the Residual Income Method is difficult to translate into definitive numbers of actual housing need in a community; and,
- 3) A number of proposed actions duplicate the current role of the Area Municipality in regard to land use planning initiatives.

Accordingly, the Region and Chairman's Task Force should be requested to provide further clarification on these concerns.

APPENDIX B

RECOMMENDATIONS FROM THE FINAL REPORT OF  
THE REGIONAL CHAIRMAN'S TASK FORCE ON AFFORDABLE HOUSING

*RECOMMENDATION 1.1*

*That the Regional Official Plan be amended to include a statement that it shall be the goal of Regional Council to achieve a minimum of 25% affordable housing (as defined in Recommendation 1.6) in all urban and rural planning units/neighbourhoods of Hamilton-Wentworth, existing and new, subject to servicing availability, in order to guarantee all residents have the opportunity to live in every area of the Region.*

*RECOMMENDATION 1.2*

*That the Regional Official Plan be amended to include a statement that it shall be the policy of Regional Council to ensure an adequate and suitable supply of land is designated for medium to high density (12 or more units per acre) residential development and adopt as the current guideline the recommended target (part of the Regional Housing Statement Update) that at least 45% of all new development be medium or high density, subject to adequacy and availability of servicing.*

*RECOMMENDATION 1.3*

*That the Regional Official Plan be amended to include a statement that it shall be the policy of Regional Council to approve Regional Official Plan amendments asking for the redesignation of land when applicable only after the applicant has demonstrated how the Region's affordable housing goals and density targets will be addressed.*

*RECOMMENDATION 1.4*

*That the Regional Official Plan be amended to indicate that home sharing, home conversions, conversions of non-residential buildings to residential purposes, infill and redevelopment are necessary processes for addressing the full range of affordable housing needs in all Area Municipalities of the Regional Municipality of Hamilton-Wentworth.*

*RECOMMENDATION 1.5*

*That the Regional Chairman's Task Force on Sustainable Development be requested to examine the potential impacts and feasibility of encouraging a reduction on further redesignation of rural land to urban.*

*RECOMMENDATION 1.6*

- a) That the Residual Income Method be adopted, as briefly set out below, as a needed component for identifying the affordable housing needs in The Regional Municipality of Hamilton-Wentworth.*
- b) Through use of the Residual Income Method, a survey of the demand for special needs housing, analysis of assisted housing waiting lists, the income/ratio method (in the form currently used by the City of Toronto), and other suitable methods, the current Regional Housing Statement Update should be amended and/or extended to more definitively identify the housing needs of residents of Hamilton-Wentworth. Analysis should reveal housing needs according to income, tenure, household type and size, and other appropriate measures.*



- c) *The Regional Official Plan should be amended to state that it shall be the goal of Regional Council to develop, deliver, and monitor policies and programs which will address the housing needs of the residents of Hamilton-Wentworth as identified in future Regional Housing Statement Updates (whose 'indicators of need' will be given through varied methodologies as indicated in b) above).*
- d) *Annual monitoring reports that would be produced by the Planning and Development Department should assess the success of Regional policies and programs in achieving the goal of providing housing to meet the needs and the targeted density mix identified in Regional Housing Statement Updates. Suggested changes to policies and programs should be part of this annual report. Reporting on land use strategies, zoning flexibility and infill policies should also be part of the report in so far as these have a bearing on achieving the Region's housing mix and housing affordability goals and targets (as outlined in Recommendations 1.1 and 1.2).*

#### **RECOMMENDATION 1.7**

*That the Commissioner of Social Services be authorized and directed to develop and maintain an information network, needed for identifying the housing requirements of Hamilton-Wentworth's special needs populations (i.e. physically and psychiatrically disabled, developmentally delayed, the homeless, street youth, victims of family violence, and other populations). This information should be used by the Social Services department to coordinate the efforts of all housing providers in order to guarantee the full range of special needs housing is addressed.*

#### **RECOMMENDATION 1.8**

*That a commitment to community development processes be adopted and demonstrated in addressing the affordable housing needs of Hamilton-Wentworth.*

#### **RECOMMENDATION 2.1**

*That the Commissioner of Planning and Development be authorized and directed to organize a technical committee, made up of representatives from Regional and Area Municipal Planning Departments, relevant Provincial agencies, and the Housing Development Industry, with the mandate to prepare a framework for new zoning by-laws that can be adopted by the Area Municipalities. The committee should prepare recommendations that seek to replace the current exclusionary zoning by-laws (which limit the type of development to single or limited uses) with flexible zoning by-laws that provide the opportunity for more affordable housing, and allow creative concepts in the provision of housing such as mixed use developments (i.e. semi-detached, single detached, small lot singles, duplexes), cluster developments, home conversions, special needs housing and granny flats.*

*Further, the Task Force specifically endorses more flexible by-laws for home conversions and special needs housing with regard to such things as age of building, setbacks, design considerations, radial separation, and maximum number of units and occupants.*

*Listed below is a general framework that the Task Force feels should be adopted in changing the by-laws to specifically facilitate conversions:*

*Age of Building*

- *should be as of right regardless of the date of construction.*

*Floor Area*

- *the minimum floor area should be that stated in the Ontario Building Code. The space provided should meet all minimum standards and contain appropriate household facilities (cooking, bathing, sleeping) and have a separate entrance.*

*External Appearance*

- *the external appearance and character of the dwelling must retain a residential character.*

*Parking*

- *maintain requirement of one parking space per dwelling unit but allow some flexibility. (i.e. allow the conversion if the applicant can show suitable parking is available besides on-site) In areas where parking has become congested due to a large number of conversions, it is suggested that the municipality adopt a parking permit system.*

*Building Type*

- *the building must be structurally suitable for the proposed conversions.*

*Additions*

- *allow the construction of addition as long as it conforms with the required front, side and rear yards of the particular zone and does not alter negatively the external residential character and appearance of the building.*

*Number of Units*

- *the number of units allowed should be determined by things such as the availability of parking, minimum unit size, building codes, fire and health codes, floor space and availability of municipal services. If the number of units proposed exceeds what is dictated by these considerations, then a by-law amendment and community consultation is required.*

*Lot area*

- *there should be no lot size restriction on whether a conversion is allowed. The decision should be determined by things such as the availability of parking, minimum unit size, building codes, fire and health codes, floor space and availability of municipal services.*

*Listed below is a general framework that the Task Force feels should be adopted in changing the by-laws to facilitate the creation of special needs housing such as lodging homes, group homes, retirement homes, residential care facilities and domiciliary hostels, making requirements less restrictive in the demands on location and the maximum number of residents:*

*Radial Separation*

- *should be a minimum of no more than 180 metres.*



*Maximum Number of Residents*

*-the maximum number of residents should be controlled by things such as health, safety and fire codes and the ability of municipal services to handle the increase in population.*

*Dwelling Type*

*- the house must be structurally suitable for a conversion to a group home and must be licensed or approved under Provincial Statute.*

*Parking*

*-must be suitable parking available on site for both residents and employees. The decision on the needed amount of parking should be made application by application with no specific requirement written into the zoning by-law. The decision about the required amount of parking should be sensitive to the likelihood of car ownership and use by the eventual residents.*

*RECOMMENDATION 2.2*

*That Area Municipalities be encouraged to permit creative use of lot size, frontage, back and side yard requirements, density, etc. when necessary to permit the creation of affordable housing.*

*RECOMMENDATION 2.3*

*That Area Municipalities be encouraged to develop a policy to implement the bonusing provisions outlined in Section 36 of the Planning Act.*

*RECOMMENDATION 2.4*

*That all Area Municipalities be encouraged to increase the maximum fines for persons or corporations who contravene the zoning by-law to the maximum allowed under Section 66 of the Planning Act. (\$20,000 for an individual and \$50,000 for a corporation)*

*RECOMMENDATION 2.5*

*That all Area Municipalities be encouraged to vigorously enforce all fire, health and safety codes and ensure their maintenance to at least the standards as set by Provincial codes, upgrading these minimums where necessary.*

*RECOMMENDATION 2.6*

*That the Area Municipalities be encouraged to develop a program for the inspection of conversions which recognizes the rights and housing needs of the tenants, including the consideration of requiring landlords to find alternative residential accommodation or provide financial reimbursement for costs of tenant relocation, where appropriate.*



**RECOMMENDATION 2.7**

*That the Regional Official Plan be amended to include criteria to guide Area Municipalities in developing local guidelines for the implementation of the Rental Housing Protection Act. Referring to criteria stated in the Act, Criterion No. 2 should have priority over Criterion No. 3. When Criterion No. 2 is not used, Criterion No. 3 should be used creatively, utilizing tools such as cash-in lieu, partnerships with non-profits, density bonusing, and rental of units under the Rent Supplement Program.*

**RECOMMENDATION 2.8**

*That appropriate Area Municipal Departments be requested to report to Local Councils annually on the status of applications under the Rental Housing Protection Act to date and during the past year, and on the criteria used in granting approval and/or other conditions attached.*

**RECOMMENDATION 2.9**

*That the Planning and Development Department be authorized and directed, in consultation with community agencies, to monitor and report annually on the location and probable selling price and/or rent of affordable residential units lost through demolition, conversion, and expropriation.*

**RECOMMENDATION 2.10**

*That appropriate Regional staff be directed to prepare a clear procedural manual describing each step of the approvals process and associated time frames.*

**RECOMMENDATION 2.11**

*That appropriate Regional and Area Municipal Departments be requested, in consultation with the development industry, to review their approvals process at least once every two years for the purpose of: establishing and monitoring targets for the time required for plans to receive draft and final approval; and identifying means to increase the efficiency of the process.*

**RECOMMENDATION 2.12**

*That private and non-profit developers and Area Municipalities be encouraged to apply for CMHC A.C.T. (Affordability and Choice Today) grants to finance feasibility studies, design and approval costs, and/or documentation costs associated with demonstration projects with a regulatory component, and participate in proposal development as requested.*

**RECOMMENDATION 2.13**

- a) *That appropriate Regional staff be authorized and directed to fast-track affordable housing projects through all steps of the approvals process.*
- b) *That as part of this fast-tracking effort, the Commissioner of Planning and Development be authorized and directed to promote more active technical consultation between appropriate Regional and Area Municipal representatives and developers before developers submit an application for an affordable housing project, thereby avoiding delays caused by improperly prepared or inappropriate applications.*

*RECOMMENDATION 2.14*

*That the Commissioner of Transportation and Environmental Services be authorized and directed, in conjunction with Regional and Area Municipal Planning Departments, to prepare a report assessing the servicing capacity, community facilities, parkland, parking etc. in the built-up urban areas of the Region. This Report could also suggest a series of development scenarios based on different assumptions about urban development patterns.*

*RECOMMENDATION 3.1*

*That public participation principles be adopted and applied to the planning process in order to provide citizens an effective role in changing and improving their community. These recommended principles are as follows:*

- a) The public should be promptly provided with proper information and notification of change in order to facilitate consultation.*
- b) Appropriate opportunities for consultation to occur should be provided throughout and at the end of a participation process.*
- c) The results of consultation should be reported back to the Region and Area Municipalities in an unaltered and unbiased manner.*
- d) Policies and programs should be accessible, clear, concise and timely.*
- e) Community members should be encouraged to define and meet their own needs, free from coercion and with provision of appropriate information and resources.*
- f) The public body sponsoring the participation program should provide information and consultation to members of the community in order that they may develop and use their own expertise.*
- g) Notification should be provided and opportunities for consultation should be available where required in both official languages and other languages including signing for the hearing impaired.*
- h) When possible the form and process of the public consultation process should be developed in collaboration with the public and with community members and agencies who have related expertise.*

*RECOMMENDATION 3.2*

*That appropriate Regional staff be authorized and directed to provide support to Area Municipalities and encourage them to initiate a pilot project to establish and support neighbourhood based planning committees in four or five different neighbourhoods in the Region whose purpose is to examine affordable housing and other inter-related issues as they exist in these particular communities.*



*RECOMMENDATION 3.3*

*a) That appropriate staff (provided with appropriate budget resources) be directed to work with Area Municipalities, citizen groups, churches, and other community based organizations in projects that could include, but are not limited to, the following:*

- *accessing programs such as PRIDE;*
- *accessing Rehabilitation programs;*
- *developing local rehabilitation and repair centres involving trades people, retirees, and other volunteers, and accessing funds available through training or retraining programs, to assist those in need;*
- *facilitating rehabilitation of existing residential dwellings on the principle of sweat equity for the homeless;*
- *accessing Federal/Provincial programs to purchase existing rooming and boarding houses when they are for sale on the private market and/or to develop new housing for single persons and the hard to house;*
- *encouraging the involvement of tenants and prospective tenants in dwelling design and rehabilitation;*
- *developing agreements with owners of vacant parcels of land to promote the interim use of these properties as things such as gardens, parking or playgrounds;*
- *developing a community development approach in preparing redevelopment plans for existing built neighbourhoods;*
- *encouraging community groups to identify and utilize surplus land for housing and to educate and encourage rehabilitation of the existing housing stock;*
- *developing a community-based, self help entry option for home ownership, whereby low income households could rent-to-own;*
- *developing Affordable Housing First Policies and establishing non-profit housing corporations;*
- *providing support to Municipal and private non-profit housing corporations and cooperatives attempting to provide equity, shared equity and mixed tenure options for both senior and non-senior households;*
- *encouraging a variety of partnerships in the development of affordable housing; and*
- *developing a mediation service for conflict resolution.*



**RECOMMENDATION 3.4**

*That the Region's financial support for the home sharing programs in Hamilton-Wentworth be continued and increased, and that efforts be continued to make the programs available to all segments of the population.*

**RECOMMENDATION 4.1**

- a) *That community groups be encouraged to sponsor a committee of citizens, and representatives of housing organizations and agencies, the building and development industry, the architectural profession, and government departments to organize a Grass Roots Affordable Housing CHARETTE in Hamilton-Wentworth in 1992. In order to increase the likelihood of implementing ideas generated at the CHARETTE, surplus government sites with potential for residential development should be used as case studies whenever possible. Sites in the existing urban area should also be used as case studies.*
- b) *That the Grass Roots Affordable Housing CHARETTE be followed with:*
- *meetings of the CHARETTE committee to develop a draft strategy to implement as many as possible of the ideas arising from the CHARETTE; Appropriate implementation bodies should be identified, and when possible the implementation should occur through community based groups and organizations with support from all levels of government;*
  - *production of a CHARETTE Report;*
  - *circulation of the CHARETTE Report and Draft Implementation Strategy to CHARETTE participants and other interested citizens for comment and feedback; and*
  - *continued commitment by the Region and Area Municipalities to the involvement of community groups and citizens in the planning and development of housing.*

**RECOMMENDATION 4.2**

*That a committee of the Chairman's Task Force on Affordable Housing and Regional staff be established to work with the Ministry of Government Services to develop terms of reference for demonstration projects for affordable housing on Provincially owned land located in Hamilton-Wentworth. The winning design/development proposals emerging from these demonstration projects should support as many as possible of both the concepts supported by the Task Force and the ideas which emerge through the Grass Roots Affordable Housing CHARETTE.*

**RECOMMENDATION 4.3**

*That the Provincial Government be requested to participate in demonstration projects for affordable housing in Hamilton-Wentworth through provision of public land, retention of architectural assistance and consultant support, etc.*

*RECOMMENDATION 4.4*

- a) *That \$10,000 be allocated for the establishment of an Affordable Housing Awards Committee, conditional upon the commitment of another Region to joint participation.*
- b) *That an Affordable Housing Awards Committee be established consisting of Regional Councillors, tenants and home owners, professional economists, representatives of community groups, the building industry, and the architectural profession, to recognize and publicize innovation and quality in the design, financing, development, and/or management of affordable housing, private and non-profit, in the Region. In order to stimulate competition, generate interest, expand the base of new ideas and innovations considered and lower the costs incurred, the Affordable Housing Awards Committee should be established as a joint effort with another Region, with committee membership and staff support drawn from both Regions. Criteria for judging innovation should be developed by the Committee.*

*RECOMMENDATION 4.5*

*That appropriate Regional staff be authorized and directed to:*

- a) *Create a committee including all Planning Departments, members of the community, and representatives of the development industry, to investigate and recommend new methods of subdivision and neighbourhood design that will allow for greater integration of housing types and make more efficient use of municipal services such as public transit and infrastructure.*
- b) *Create and maintain a library of innovative housing and subdivision designs for the use of all interested parties. The Planning and Development Department should promote whenever possible the use and development of these creative and innovative designs.*

*RECOMMENDATION 5.1*

*That a Regional Grant Budget be established that allows groups providing low income housing within the community access to Regional resources. A mechanism to determine eligible groups and activities and to set spending priorities within this separate funding category should also be established.*

*RECOMMENDATION 5.2*

- a) *That the appropriate Regional Department be authorized and directed to develop an Affordable Housing First Policy to ensure that:*
  - *Regionally owned lands that are suitable for residential use and are declared surplus are offered for purchase or lease in the first instance for the development of affordable housing; a revolving fund would be the vehicle for this purchase (see Recommendations 5.4 and 5.5); and*
  - *unallocated funds from the sale of Regionally owned land are contributed to a revolving fund established for the purpose of assisting non-profit housing providers in accessing land (see Recommendations 5.4 and 5.5); and*



- *a regular review is undertaken of underutilized Regionally owned land to determine its suitability for housing or mixed use development.*
- b) *That all Area Municipalities and Boards of Education in Hamilton-Wentworth be requested to pursue similar Affordable Housing First Policies.*

**RECOMMENDATION 5.3**

- a) *That Area Municipalities be encouraged to develop a series of maps, based on the Vacant Residential Land Inventory and existing neighbourhood plans and policies, identifying parcels of land with potential for medium or high density housing, infill or redevelopment, for use by private and municipal non-profit housing corporations and cooperatives.*
- b) *That this information be accessible to all interested parties.*

**RECOMMENDATION 5.4**

- a) *That a revolving block fund of at least \$6 million be obtained from the Provincial Government to be used for a Regionally directed program for:*
  - *the acquisition of land for housing low income households; and/or*
  - *bridge financing for non-profits to secure land; and/or*
  - *loan guarantees to non-profit housing providers to enable them to secure land.*
- b) *That a fund of \$1 million be established to be used for the purpose of providing cost writedowns on land sold or leased to non-profit providers, in special circumstances, in order to permit them to develop projects within the Maximum Unit Price Guidelines.*

**RECOMMENDATION 5.5**

*That a committee be established consisting of: staff from the Regional Departments of Planning and Development, Finance, Social Services and Legal Services; representatives of private and Municipal non-profit housing corporations and cooperatives; staff from the Ministry of Housing; and representatives of the public, to:*

- a) *Clarify and provide guidelines around issues arising from the establishment of a revolving fund to be used for:*
  - *the acquisition of land for housing affordable to low income households; and/or*
  - *bridge financing for non-profits to secure land; and/or*
  - *loan guarantees to non-profit housing providers to enable them to secure land.*



*Issues to be resolved include application procedures, selection of purchasers, securement and disbursement of funds, authority and responsibilities of fund manager, and role of the Ministry of Housing; and*

*b) Develop terms of reference for the operation of a revolving fund, based on the principle of minimizing costs and risks to the Regional tax payer. The following guidelines should be reflected in the terms of reference:*

- small and medium sized sites (unit potential of 1-100) only should be considered for acquisition except when Regional Council approval for site acquisition for larger sites is received as a result of particular circumstances of a transaction;*
- land banked should reflect short term demand; total unit potential, assuming an average cost of \$30,000 per unit should be limited to 200 units (this represents between one-half and two-thirds of the average annual allocations for assisted housing within Hamilton-Wentworth over the last several years);*
- sales and/or leases should be based on either full cost recovery (this may include land, interest, surveys, legal, land transfer tax, property tax, local improvements, maintenance, soil tests, administrative costs and real estate fees) or market value, except in cases where Regional Council wishes to authorize approval for cost underwriting, as in Recommendation 5.4 b) above (usually in cases where the project cannot be developed under the Provincial Maximum Unit Price guidelines due to the central location of a property, the costs of making property environmentally suitable for development, etc.);*
- leases should be based on a 35 year term, with the full cost of the lease payed upfront;*
- leases should have an option of renewal for an additional 35 years or until the end of the economic life of the building, at the rental of One Dollar (\$1.00) per annum, provided that no other costs are incurred by the Lessor in carrying the holding or lands;*
- a portion of the fund should be allocated to the purchase of land which may be used to facilitate the development of underutilized land in existing urban areas;*
- in newly developing areas, only land that is designated for urban development should be considered for acquisition;*
- the subdivision approvals process should be used when possible to identify sites and to negotiate purchase agreements between the Region and the developer;*
- sites acquired should be distributed throughout the Region;*

- *the operation of the fund should be evaluated on an annual basis; and*
- *there should be a community involvement component.*

**RECOMMENDATION 5.6**

*That the private sector be encouraged to use land leases to lower housing costs by amortizing costs and charges related to leased land.*

**RECOMMENDATION 5.7**

*That the private sector be encouraged to offer innovative home ownership packages to prospective buyers (ex. rent-to-own) to lower housing costs.*

**RECOMMENDATION 5.8**

- a) That the Planning and Development Department be authorized and directed to increase its efforts in articulating the Region's housing needs with the housing development industry and, in cooperation with the Area Municipalities, to negotiate development agreements which work towards achieving the Region's goal of a minimum of 25% affordable housing in all urban and rural residential development, subject to servicing availability.*
- b) That as part of these efforts, the Planning and Development Department be authorized and directed to change the application procedure for all new subdivisions and condominiums so that it includes a requirement that the applicant identify how the proposal fits with the Region's 25% affordable housing goal as stated in Recommendation 1.1.*

**RECOMMENDATION 5.9**

*That proposals for the Region to engage in joint ventures with the private and/or non-profit sector that would lead to the use of new and innovative techniques to provide affordable housing and to further the objectives stated in the Guiding Principles of the Chairman's Task Force on Affordable Housing be considered on an individual basis. These ventures could take many different forms, from a joint commercial/affordable housing project to the construction of innovative affordable housing designs. Methods to implement these ventures would be to:*

- a) Establish a revolving fund of \$.5 million to be used for the purpose of assisting private and non-profit housing providers and community groups in implementing unique design, equity, sweat equity, financing, planning or management techniques for affordable housing. The terms of reference for the fund must ensure that money not be used to confer "unfair" benefits upon particular developers, but must be used to directly further Regional objectives, in accordance with the legal definition of joint venturing. The development of terms of reference for the fund should be referred to the staff committee which is being established to develop a terms of reference for funds to assist non-profit housing providers and co-operatives in accessing land (see Recommendation 5.5).*



- b) *Direct the proposed Housing Commission (Recommendation 6.1), utilizing public information from the Planning and Development Department, to identify and pursue opportunities for joint ventures with the private sector, whereby the Region assumes a second mortgage on the difference between market value and the sale price agreed to by the developer, if any, and/or registers resale controls upon the deed of affordable units to ensure units are targeted to low to moderate income households and remain affordable for at least 25 years.*

**RECOMMENDATION 6.1**

*That the Commissioner of Planning and Development, in conjunction with the Commissioner of Social Services, other relevant departments, providers of housing, and members of the Chairman's Task Force on Affordable Housing be authorized and directed to develop a detailed implementation plan for the creation of a Regional Housing Commission and present this report for consideration by Regional Council in six months. The implementation plan should address issues such as:*

- a) *the organizational structures and relationships;*
- b) *the composition and appointment of the Commission (a mix of appointed political representation (Regional and Provincial), and elected citizen representation including advocates for community groups and representatives of special needs populations);*
- c) *financial arrangements for its operation, including funding requests to the Province to support the 'devolution' of responsibility that is being proposed through the Commission; and*
- d) *mandate and role - including the following major arms of activity:*

**To Operate as an Administrative/Delivery Mechanism:**

- *to administer the Revolving Fund (Recommendations 5.4 and 5.5) and the Joint Venture fund (Recommendation 5.9); and*
- *to develop a Region-wide delivery mechanism for community-based rehabilitation and maintenance programs (outlined in detail in Recommendation 3.3). Objectives of this program delivery system should be inclusive of, but not limited to:*
- *increasing allocations under existing programs in all Area Municipalities;*
- *providing a Regional loan guarantee program to make Provincial and Federal programs more accessible to Regional households with affordability problems;*
- *providing supplementary programs to promote rehabilitation and maintenance of the existing stock;*



- *ensuring that neighbourhoods in need of revitalization receive maximum grants under both PRIDE programs and rehabilitation programs for landlords and owners; and*
- *increasing community awareness of programs.*

*To Serve as a Centre for the Study of Innovative Ideas in Housing and to Analyze and Seek Solutions to Housing Needs in Hamilton-Wentworth:*

- *to sponsor design competitions (see category 4.0) to build projects and to encourage innovation in the design, development, management and financing of affordable housing;*
- *to research novel ideas on equity, financing, design, management or other innovative housing techniques;*
- *to investigate other community housing needs and possible solutions, including a consideration of the formation of a Regional Non-Profit Housing Corporation (that could serve as a catalyst to encourage cooperation and maximize efficiency, and that could seek to address those housing needs not currently being met in the Region); and*
- *to undertake a second review of all public input received by the Chairman's Task Force on Affordable Housing (a first review having already been completed by Task Force itself) to ensure all ideas and suggestions have been considered.*

*To Provide Facilitative/Technical and Coordinating Services*

- *to provide assistance to individuals and groups at different stages in the development process through services such as, but not limited to, the following:*
  - a) *advocating and encouraging the development and Municipal acceptance of innovative affordable housing and subdivision designs;*
  - b) *providing innovative design, equity, financing, planning and management techniques through providing facilitative/technical assistance to non-profit groups and private individuals attempting to demonstrate new and innovative techniques;*
  - c) *helping individuals and groups in acquiring government grants and funds, identifying sites for development, helping with the approvals process and other assistance deemed appropriate; and*
  - d) *in an even more specific form of c), guiding smaller non-profits through the land acquisition and development stages of a program or actually providing this service at cost.*
- *to generally coordinate and assist providers of non-profit housing, where such assistance is needed;*

- *to develop collaborative arrangements with support service agencies so that both the transitional and permanent housing of people with special needs such as victims of domestic violence, the developmentally delayed, and the physically disabled and other vulnerable groups, are being met.*
- *to provide assistance to tenants. Services could include, but are not necessarily limited to, the following:*
  - a) *Assisting any tenant groups that may want to organize, developing long term strategies that would emphasize and facilitate repeated successes for tenants who seek to improve their housing situation. This could be done by:*
    - *playing an assisting role in improvement programs;*
    - *creating opportunities for tenants to express their views and take part in the decision-making process in a manner they themselves have identified; and*
    - *sharing information with tenants in a clear and consistent manner.*
  - b) *Encouraging all non-profit organizations to increase tenant participation using methods such as, but not limited to, the following:*
    - *increasing tenant membership at the board level and having tenants elected by other tenants;*
    - *opening board meetings to tenants, and ensuring that the time, place and agenda is publicized on a regular basis;*
    - *providing funding and resources to tenants for a tenant-run newspaper;*
    - *creating a standing committee of the board which includes seniors and people with disabilities, including psychiatric; this committee could interpret policies and procedures in areas such as eviction, building design, new projects and vacancy allowances;*
    - *conducting a survey of safety problems through each site with tenants and management;*
    - *establishing neighbourhood watches in all projects;*
    - *providing tenants with policy information, keeping in mind language, literacy and other barriers;*
    - *involving tenants in the development of job descriptions and performance evaluation of on site staff;*

- *involving tenants in the development of new policy; and*
- *consideration of the idea of providing a "tool library" in housing projects so that tenants can make their own repairs.*

*To Provide a Central Public Information Service:*

- *to provide public information services that could include, but are not limited to, the following:*
  - a) *working with Area Municipalities to promote home conversions and to provide information about how to build legal accessory apartments;*
  - b) *making the public aware that there are no Regional development charges on home conversions of 2 units or less and encouraging all Area Municipalities to adopt a similar policy in their Development Charges by-law;*
  - c) *developing a public information program or publicity campaign, in conjunction with the Area Municipalities and with community participation, to address people's concerns about intensification and to provide information about the potential for infill and redevelopment options in order to stimulate interest in this type of development. Provincial "Neighbour's" grants could be applied for as funding sources;*
  - d) *informing local unions, other pension fund sources, and Credit Unions about the potential for investment in affordable housing through means that could include Housing Trust Funds; and*
  - e) *preparing an information package for distribution within the Region on the range of moderately priced home ownership options available, particularly those with innovative designs or other features which increase affordability.*

*To Perform an Advocacy Role:*

- *to perform an advocacy role to represent the Region's housing concerns and needs with other levels of government.*

**RECOMMENDATION 7.1**

*That the Provincial Government be requested to consider adoption of the same variety of methods (including the Residual Income Method) for defining affordable housing as suggested for use by the Region in Recommendation 1.6.*

**RECOMMENDATION 8.1**

*That the Ontario Ministry of Housing, in consultation with Municipalities and the Development Industry, be requested to review the Ontario Building Code Act and recommend changes:*



- a) *that allow more flexibility and greater ease in the development of innovative affordable housing designs; and*
- b) *to allow the occupancy of semi-finished structures that can be upgraded as resources become available (ex. Grow Home). The Public Health Act and the Landlord and Tenant Act, as well as other legislation, may also need review in exploring this idea.*

**RECOMMENDATION 8.2**

*That the Canada Mortgage and Housing Corporation, in consultation with Municipalities and the Development Industry, be requested to review the current standards on building materials and recommend changes that allow more flexibility while still ensuring quality in the construction of innovative affordable housing designs.*

**RECOMMENDATION 8.3**

*That the Provincial Government be requested to change the Building Codes Act (Bill 103) and the Health Regulations Act to enable building and public health inspectors the right to gain entry with due process, including written notice, to dwellings to ensure that building regulations have been followed.*

**RECOMMENDATION 8.4**

*That the Provincial Government be requested to change the appropriate legislation to give Area Municipalities the ability to charge owners in violation of the relevant codes, when it is necessary, the costs of relocating tenants.*

**RECOMMENDATION 8.5**

*That the Provincial Government be requested to revise the Rental Housing Protection Act so that all Area Municipal Councils must give priority to Criterion No. 2, as stated in the Act, over Criterion No. 3. Further, when approval is granted under Criterion No. 3, strict conditions related to the provision of affordable housing should be imposed.*

**RECOMMENDATION 8.6**

*That the Provincial Government be requested to expand application of the Rental Housing Protection Act to all Area Municipalities.*

**RECOMMENDATION 8.7**

*That, in the effort to make the Provincial regulatory environment more efficient and effective:*

- a) *The Provincial Government be requested to undertake an overall review of the land use process in relation to socio-economic influences.*
- b) *The Provincial Government, in conjunction with the Area Municipalities, be requested to undertake an overall review of the procedures of the Ontario Municipal Board (OMB). Affordable Housing projects should continue to receive priority when scheduled for OMB hearings.*

- c) *The Provincial Government be requested to improve the response capability of Provincial agencies involved in affordable housing projects to things like applications for approval and other procedural steps that must be taken.*

#### *RECOMMENDATION 8.8*

*In recognition of:*

- a) *the necessity of protecting tenants from unfair or unsafe rental practices and unaffordable rent increases;*
- b) *the pending maintenance crisis in the existing stock of rental housing; and*
- c) *the lack of new private rental construction,*

*that the Region endorse the Provincial Government's current efforts to review the rent control system and request that this review pay close attention to these issues.*

*Further, that the Province be requested to:*

- d) *acknowledge that rent control cannot be dealt with in isolation from other housing issues. Housing policy should be developed in a comprehensive manner, with rent control a component of an overall strategy;*
- e) *recognize that the objective of a comprehensive housing policy should be to provide new and more choices for people. Among the choices that could be considered is the concept of a targeted shelter allowance with a cap; and*
- f) *recognize that, in arriving at a comprehensive Provincial housing policy, there is a need for regionalization. The Province should allow/enable different regions of the Province to have greater authority and control in determining how to resolve rent control related issues in their respective areas according to their specific needs. The Province should request serious public participation in this effort.*

#### *RECOMMENDATION 9.1*

*That the Federal and Provincial Governments be requested to develop a package of financial mechanisms designed to make home ownership more accessible for a larger proportion of low and moderate income households. Suggested actions include, but are not limited to, the following:*

*CMHC and the Federal Government should:*

- a) *Work with financial institutions to make 40 year mortgages more widely available to households unable to carry a traditional 25 year mortgage.*
- b) *Work with financial institutions and community groups to make loan insurance more accessible to low income households through promoting the "sweat equity" option to meet downpayment requirements.*

- c) *Increase insurable loan to value ratios from 90% to 95%.*
- d) *Introduce tax credits on mortgage payments for first time home owners with low incomes.*

*The Provincial Government should:*

- e) *Introduce measures to enhance the Ontario Home Ownership Savings Plan (OHOSP) for low and moderate income households (eg. increase maximum contributions permitted and enhance tax credit for households in Hamilton-Wentworth experiencing an affordability problem as identified through methods cited in Recommendation 1.6).*

*The Provincial and/or Federal Government should:*

- f) *With support of other municipalities, establish a Home Savings Plan that would be used to provide low interest loans to non-profit/cooperative organizations for the purpose of producing affordable housing for ownership. Funds deposited or taken out of the Plan would be tax exempt if used for affordable housing purchase by fund contributors for their principal residence. The concept will be to produce housing as a service not as a commodity.*

#### **RECOMMENDATION 9.2**

*That the Provincial Government be requested to revise guidelines of the Ontario Home Renewal Program to make it more effective. Updating income thresholds and extending eligibility criteria to ensure low income households can obtain grants, increasing loan values, reviewing conditions for making loans, and allowing municipalities more flexibility in implementation could increase take-up under the Program.*

#### **RECOMMENDATION 9.3**

*That the Provincial Government be requested to introduce legislation requiring landlords to establish reserve funds, similar to those used by cooperatives and non-profits, to be used for rehabilitation and maintenance purposes.*

#### **RECOMMENDATION 9.4**

*That the Federal and Provincial Governments be requested to introduce and expand programs to assist in the maintenance and rehabilitation of all rental units, and in particular, rental units in high rise apartment buildings.*

#### **RECOMMENDATION 9.5**

*That the Federal and Provincial Governments be requested to:*

- a) *Continue to demonstrate support for cooperative-style management efforts through increased funding of Tenant Associations.*
- b) *Extend such funding for Tenant Associations to all non-profits.*



- c) *Change the funding rules for cooperatives and non-profits to encourage the development of common rooms and social gathering places in assisted housing developments, so space is available to enable community interaction.*
- d) *Encourage housing agencies to inform their tenants that start-up funding is available for Tenant Associations.*

*RECOMMENDATION 9.6*

*That the Provincial Government be requested to require landlords of all rental units to register in the central Rent Registry.*

*RECOMMENDATION 10.1*

*That the Provincial and/or Federal Government be requested to provide funding support for the organization of a Grass Roots Affordable Housing marathon think tank (CHARETTE) to be used for staff, facilities, report production, and other expenses.*

*RECOMMENDATION 10.2*

*That the Provincial Government be requested to participate in a demonstration project for affordable housing in Hamilton-Wentworth through provision of public land, retention of architectural assistance and consultant support, etc.*

*RECOMMENDATION 11.1*

*That appropriate Regional and Area Municipal staff and non-profit housing providers be authorized and directed to negotiate a Regional-Area Municipal-Provincial Housing Agreement with the Ministry of Housing to cover:*

- a) *All aspects of Regional, Area Municipal and Provincial responsibilities for assisted housing, including the number of assisted units to be allocated to non-profit housing providers and cooperatives within Hamilton-Wentworth.*
- b) *An agreement on sharing costs and risks associated with the operation of a revolving fund for land acquisition/bridge financing/loan guarantees.*
- c) *A cost sharing agreement for financial contributions to joint ventures (in accordance with the legal definition of joint ventures) with the private sector and/or non-profit and cooperative sector.*

*RECOMMENDATION 11.2*

*That the Provincial Government be requested to provide additional allocations to Hamilton-Wentworth:*

- a) *Under the Rent Supplement Program. Landlords should also be encouraged to apply for unit allocations under the Program.*
- b) *For non-profit and cooperative-style affordable housing projects.*

*RECOMMENDATION 11.3*

*That the Provincial and Federal Governments be requested to:*

- a) Require all non-profit and cooperative housing providers to designate at least 50% and as high as 100% of units in assisted housing projects as Rent Geared to Income (core and non-core units). The projects with higher percentages of assisted units should be smaller, to ensure neighbourhood integration, while those projects with a lower percentage of RGI units can be larger in scale.*
- b) Adjust the Maximum Unit Prices (MUPs) to make smaller scale affordable housing projects viable.*
- c) Increase funding to the Cooperative and Non-Profit Housing Program to finance this policy.*

*RECOMMENDATION 11.4*

*That the Federal and Provincial Governments be requested to assist with and promote the creation of non-profit equity or 'resident pay' units by providing necessary programs and financial mechanisms (such as, but not limited to, land trusts, availability of mortgage insurance through CMHC, seed moneys).*

*RECOMMENDATION 11.5*

*That the Provincial and Federal Governments be requested to provide non-profit housing corporations and cooperatives with more readily available loan guarantees in order that they can obtain land for housing in a competitive market.*

*RECOMMENDATION 11.6*

*That the Provincial Government be requested to sell, exchange, or donate surplus government land in Hamilton-Wentworth that cannot be developed for affordable housing and use funds or land revenues to purchase land within the existing urban areas suitable for affordable housing in the Region.*

*RECOMMENDATION 11.7*

*That the Provincial Government be requested to provide a revolving block fund of at least \$6 million, to be used for a Regionally directed program for:*

- a) the acquisition of land for housing low income households; and/or*
- b) bridge financing for non-profits to secure land; and/or*
- c) loan guarantees to non-profit housing providers to enable them to secure land.*

*RECOMMENDATION 11.8*

*That the Federal Government be requested to increase its involvement in the provision of affordable housing, including the creation of programs to assist with the construction of private rental accommodation, and in conjunction with this that the Provincial and/or Federal Governments be requested to:*

- a) *Create a Bond specifically directed towards investment in affordable housing.*
- b) *Develop policies to encourage pension fund investment in affordable housing and to inform pension administrators about this option.*
- c) *Provide a tax credit from income tax on rental income where an additional affordable unit has been created in an owner-occupied dwelling.*
- d) *Expand CMHC insurance coverage for non-profit units not currently sponsored under Federal or Provincial programs, and for private developers of affordable housing.*
- e) *Maintain and expand Index Linked Mortgages beyond the Federal Cooperative Program.*
- f) *Promote the CMHC Mortgage Backed Securities program more widely.*

*RECOMMENDATION 11.9*

*That the Province be requested to allow municipalities to charge a "Green Tax" on housing units of a certain lot or unit size or selling price based on proportionate service costs. This "Green Tax" would serve to encourage sustainable development. The levies collected would then be used for affordable housing purposes. A special study may be required to quantify the costs of servicing large developments versus affordable developments and the cost of servicing lower density versus higher density development.*

*RECOMMENDATION 11.10*

*That the Provincial Government be requested to require that if a developer's proposal for new residential development does not fit with Regional affordable housing objectives (as stated in Recommendation 1.1), the applicant should offer for sale at fair market value a building site to either a non-profit housing corporation/cooperative or to a revolving fund maintained by the Region, or cash in lieu of such a site, for the purpose of supporting the development of affordable housing.*





13.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 July 10  
(P7-3-5)

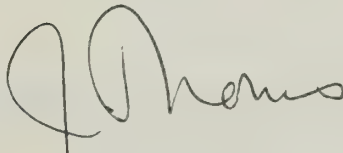
**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Proposed Official Plan Amendment and rezoning, south  
side of Spring Gardens Road (former Easterbrook  
property), City of Burlington.

**RECOMMENDATION:**

That the City Clerk be requested to inform the City of Burlington that the City of Hamilton does not object to the proposed Official Plan Amendment and rezoning for the lands located on the south side of Spring Gardens Road, City of Burlington.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**A.L. Georgieff, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**EXPLANATORY NOTE:**

The City of Burlington has requested Hamilton's comments on a proposed Amendment to the City of Burlington Official Plan and associated rezoning, for lands located on the South Side of Spring Gardens Road (see Appendix A). The amendments will allow the development of a seniors' retirement village.

**BACKGROUND:**

The subject lands, are located in close proximity to Hamilton, on the south side of Spring Gardens Road, Burlington. The proposed amendments will permit the development of a senior's retirement village, consisting of:

- a 3 1/2 storey retirement home;
- three, 3 1/2 storey seniors' apartment buildings;
- a 1 1/2 storey nursing home; and,
- a convenience commercial component intended to serve the retirement village residents.

The adjacent lands in the City of Hamilton are designated "Open Space" and "Open Water" (see Appendix A) in the Hamilton Official Plan. The lands designated "Open Space" consist of the Woodlands Cemetery. The City's Department of Public Works, Cemeteries Division, has been circulated for comment on the proposal and advises that they have no objections.

It should be noted that the Province's report The Waterfront Trail First Steps From Concept To Reality, April 1991, proposes the Greater Toronto Waterfront Trail to cross both the Woodlands Cemetery and the subject lands. As such, the proposed development should be sensitive to the waterfront trail connections. The preliminary site plan for the proposal incorporates a 30 meter setback from the lakefront top-of-bank. This appears sufficient to accommodate the waterfront trail and connections with lands to the west, including the Woodlands cemetery.

**CONCLUSION:**

The proposed Official Plan Amendment and rezoning in the City of Burlington do not conflict with the planning intentions of the City of Hamilton. Burlington should be notified that Hamilton City Council does not object to the proposal.

CL-M

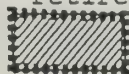




## Sketch No. 1

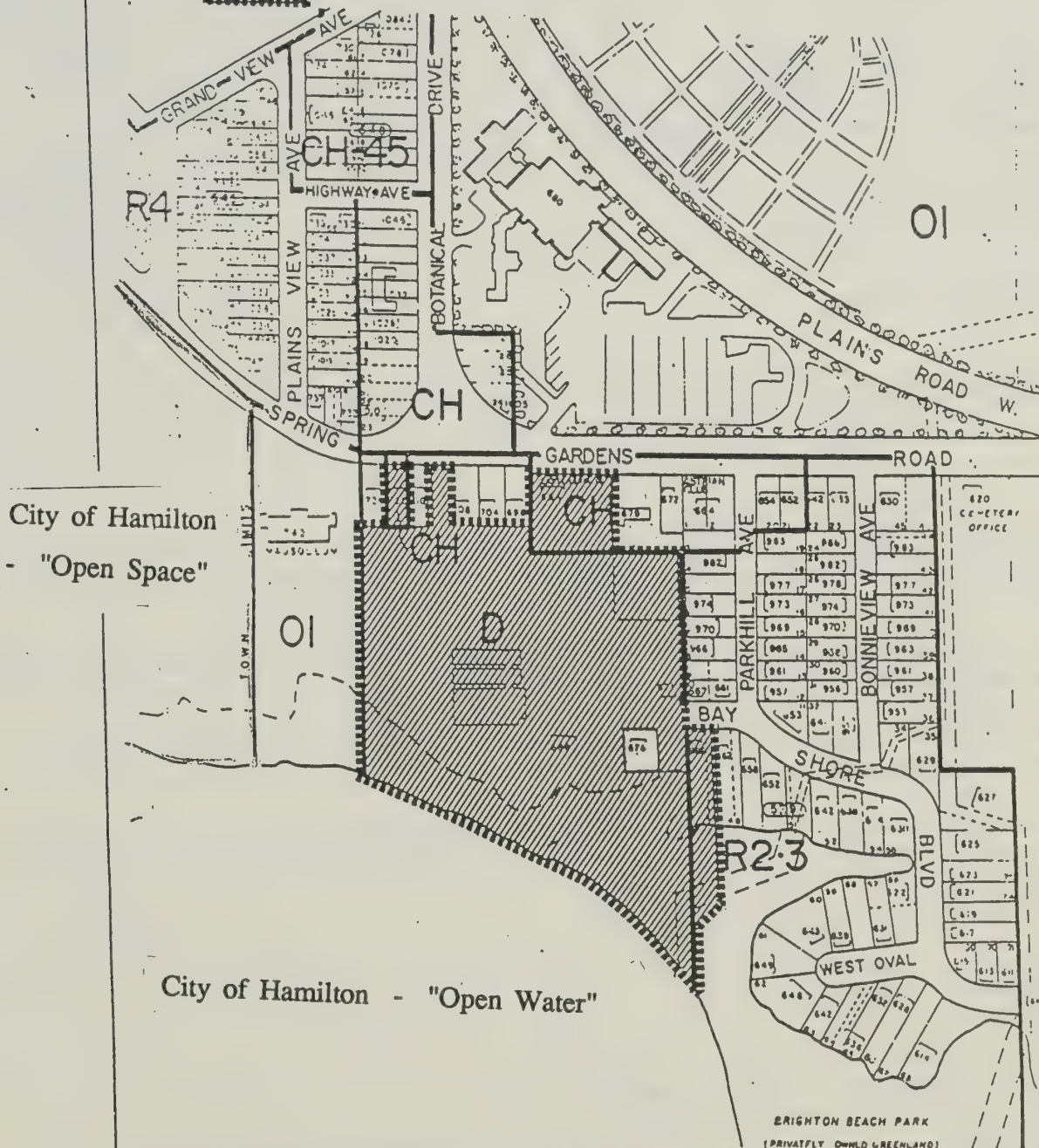
# LOCATION/ZONING SKETCH

Application by 747875 ONTARIO INC. to amend the Official Plan and Zoning By-law to permit a Seniors' Retirement Village consisting of a nursing home, retirement home and 3 seniors' apartment buildings.



AREA AFFECTED

File No.: 520-02-5/91



NOTE: See By-law 4000-3, Map No. 14

### GENERAL ZONING LEGEND

RESIDENTIAL			COMMERCIAL	INDUSTRIAL	OTHER
Single Family	Semi-detached	Multiple	CH CH-45		D 01
R4 R2.3					

NOTE: Zones may be followed by exception numbers which denote specific property regulations in the By-Law

DATE: APRIL 29, 1991

SCALE: N.T.S.

TR  
BC

Burlington Planning Department



The Corporation of the  
**City of Burlington**

City Hall:  
426 Brant Street, Burlington, Ontario, Canada  
Mailing Address:  
P.O. Box 5013, Burlington, Ontario, Canada L7R 3Z8

Telephone:

Fax No.:

CITY OF BURLINGTON LOCAL PLANNING BRANCH				
335-7787 JUN 18 1991				
335-7880				
TO	STAFF	MIT.	INFO.	ACT.
RECEIVED				
JUN 17 1991				
CITY CLERKS				
CLH				
CART.				
ADMIN.				

June 14, 1991

The City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Attention: Mr. K. Avery  
City Clerk

Dear Mr. Avery:

SUBJECT: Proposed Official Plan Amendment and Rezoning  
747875 Ontario Incorporated (former Easterbrook property)  
File: 520-02-5/91

Attached for your information is a circulation memorandum for a proposed Official Plan Amendment and rezoning on the south side of Spring Gardens Road, in the City of Burlington.

As the subject property abuts the boundary of your municipality, we are circulating this application to you for review and comment.

We would respectfully request that any written comments be provided by July 31, 1991.

If you require any further information regarding this application, please contact me at 335-7787.

Yours truly

*Brian Chire*

Brian Chire  
Senior Planner--Development

BMC:bmc  
ZPLANING (1532)  
Attachment







14.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 July 18  
P5-2-10

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

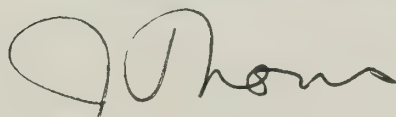
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

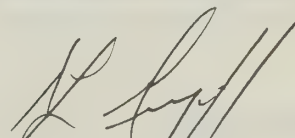
Carter Square, Neighbourhood Plan Amendment - Beasley Neighbourhood

**RECOMMENDATION:**

1. That Planning and Development Committee authorize a public meeting on the proposal for a Neighbourhood Plan Amendment in the Beasley Neighbourhood; and
2. That Planning and Development Committee endorse the establishment of a Committee consisting of two representatives each from the Central/Beasley Citizen's Advisory Committee, CAPIC, Ferguson Avenue Streetscaping Committee and the Urban Design Committee as well as other stakeholders to provide input into the Neighbourhood Plan Review; and,
3. That findings of this Neighbourhood Plan amendment be incorporated into the Central/Beasley Neighbourhood Plan review, scheduled for initiation this fall.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**A. L. Georgieff**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

## **BACKGROUND:**

On June 17, 1991, the consulting firm *Development Concepts*, on behalf of Maurice C. Carter Holdings Ltd., applied for a Neighbourhood Plan Amendment for the area shown on the attached map.

## **THE PROPOSAL**

The proposal is part of a business strategy to guide the management and long range planning of the Carter site. The applicant has also secured the participation of CN Real Estate to proceed alongside the Carter site as part of the Neighbourhood Plan Amendment. The application also covers the lands of Brewers Retail, Hotz and Sons and Mill Paper Fibres for planning consistency. Proposals have already been discussed with these groups.

The proposal calls for a mixed land use plan (see attached Concept Plan). Specifically, the following uses are proposed:

1. Enhancement of auto-related uses along Cannon Street;
2. Commercial uses along Barton Street;
3. Residential uses, through a mix of building types, focused along Ferguson; and
4. Open space in the form of streetscape promenades, vest-pocket parks, formal plazas and private lands throughout the scheme.

Other specifics of the proposal for the Maurice Carter Holdings site call for the Neighbourhood Plan designation of commercial use to continue, allowing automotive commercial use, residential and retail/office commercial uses at 3 to 4 times coverage. For the CN lands, the Neighbourhood Plan is proposed to be amended from industrial to commercial uses permitting a full range of industrial, commercial and residential uses and at 3 to 4 times coverage.

## **COMMENTS**

A number of initiatives are taking place in Central and Beasley Neighbourhoods. A planning process has already been established through the PRIDE program and through the work of the Ferguson Avenue Streetscaping Committee.

The Carter proposal for a neighbourhood review, leading to a neighbourhood plan amendment is unique in that it incorporates public consultation on the proposal at the outset as opposed to a rezoning which invites public response much later in the process. The proposal has the potential of creating a renaissance in this part of the Central Area. Also, Beasley Neighbourhood is in need of revitalization efforts that could be instigated by this proposal. The review will build upon existing initiatives and community interest in the neighbourhood. It seems appropriate to capitalize on these efforts and expedite the amendment process as quickly as possible.



At present, the application is being circulated to City and Regional Departments for comments to ensure that the proposal is integrated with sensitivity into the existing neighbourhood. However, details of the proposal must be subjected to further review.

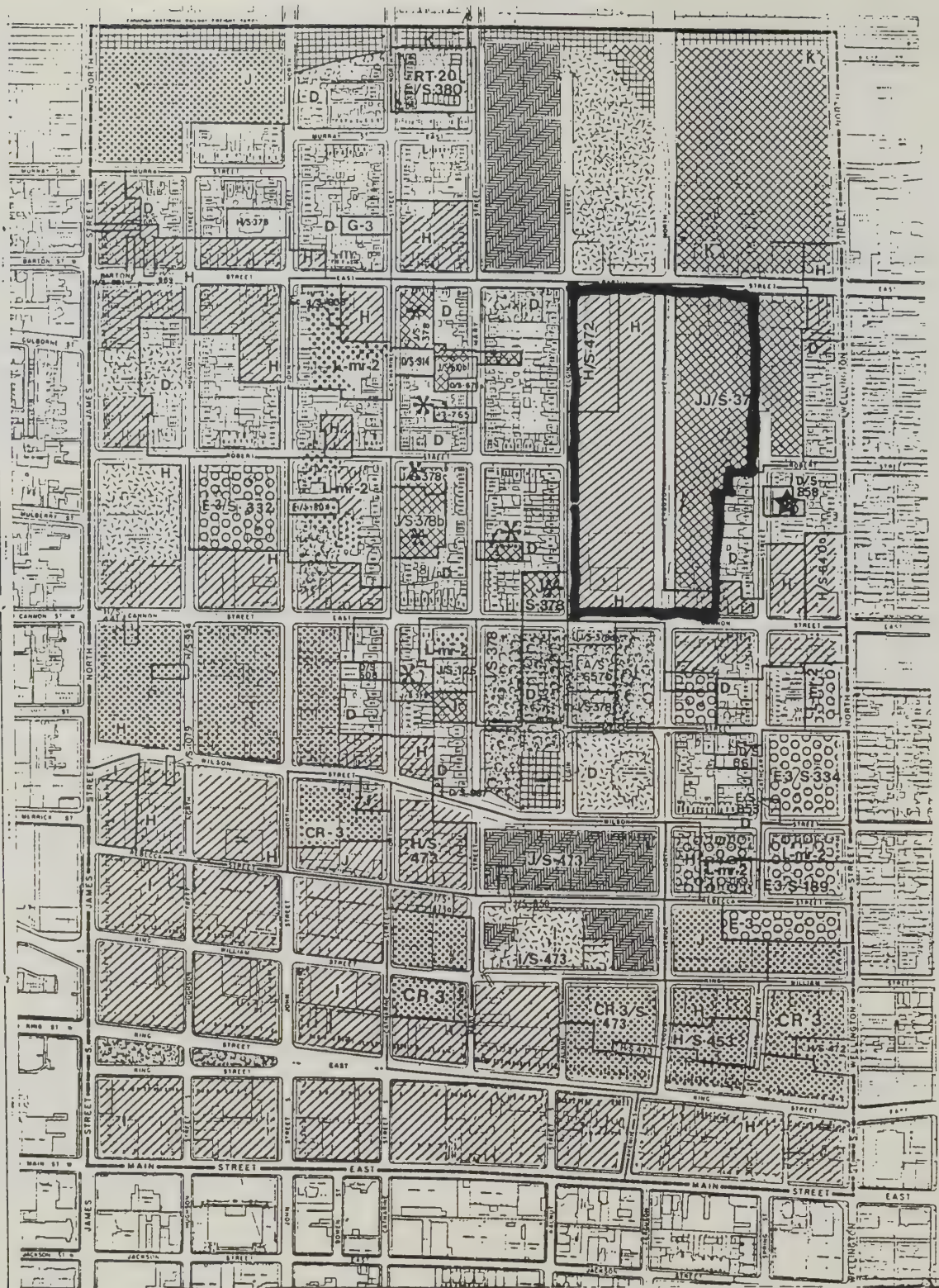
Initial feedback on the proposal was obtained from four Committees: Central/Beasley Citizen's Advisory Committee, CAPIC, Urban Design Committee and the Ferguson Avenue Streetscaping Committee (attached). It was decided to have two members from each Committee, along with other potential stakeholders, form a body which would provide input into the neighbourhood amendment process.


This neighbourhood amendment will become a component in the overall review of Central and Beasley Neighbourhood Plans which will begin in the fall. The PRIDE and Ferguson Avenue initiatives will also complement the future review of the two Neighbourhood Plans.

Accordingly, the findings of the neighbourhood plan amendment process should be incorporated into the Central/Beasley Neighbourhood Plan review.

MD/dkp

A:\BEASLEY



<p>EXISTING POPULATION (1969) 5559 (1970) 5209 (1971) 5167 (1972) 5072 (1973) 4842 (1974) 4702 (1975) 4664 (1976) 4825</p> <p>★ NOTE: TEMPORARY PARKING (SEE ZONING APPL. 83-73)</p> <p>NOTE: THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE, FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH</p> <p>* NOTE: FUTURE USES ON THE SITE MAY BE INDUSTRIAL, COMMERCIAL OR RESIDENTIAL IN ACCORDANCE WITH THE CENTRAL AREA PLAN PERFORMANCE STANDARDS</p>	<p><b>LAND USE</b></p> <p><b>RESIDENTIAL</b></p> <p>□ single &amp; double □ attached housing</p> <p>••••• medium density apts. ••••• high density apts. ••••• commercial &amp; apts.</p> <p>▨ COMMERCIAL ▩ INDUSTRIAL ▧ CIVIC &amp; INSTITUTIONAL ▦ PARK &amp; RECREATIONAL ▥ OPEN SPACE ▤ UTILITIES ▣ COMM. &amp; INDUSTRIAL</p>	<p>— Neighbourhood Boundary — Zoning Boundary — Staging of Development Boundary</p> <p>Approvals Planning Bd. 7-7-77 Council 1-2-78</p> <p>Revisions SEPT 28, 1977 OCT 25, 1977</p> <p><b>CITY OF HAMILTON PLANNING DEPARTMENT</b></p> <p><b>BEASLEY APPROVED PLAN</b></p> <p></p> <p>1 10</p>
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AUTO

TREET

ITY OF  
MILTON

AUTO

WOOD  
MOTORS

500'

184'

66'

AUTOMOTIVE  
COMMERCIAL

LAURENCE C. CARTER HOLDINGS LTD

RESIDENTIAL

BREWERS RETAIL  
MIXED  
USE

450'

131.24

ON

226.46'

99.13'

FOCUS

AUTO  
ONDA

AUTO

HOTZ

143.8

150'

RESIDENTIAL

MIXED  
USE

CANADIAN NATIONAL RAILWAY

ST

87'

TREET

TREET

LAND USE CONCEPT

21 95'

341.59'

130.79'

157.21'





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department  
71 Main Street West, Hamilton, Ontario L8N 3T4

Refer to File No. P5-2-10

Attention of

Your File No.

MINUTES OF MEETING

Re: Carter Square Redevelopment/Beasley Neighbourhood

Central Area Plan Implementation Committee (CAPIC)  
Central/Beasley Citizens Advisory Committee  
Ferguson Avenue Streetscape Committee  
Urban Design Committee.

July 3, 1991  
12 noon  
Room 233, City Hall

ATTENDANCE

Group/Organization

Maurice Carter  
Brian Spratley  
Don Mitchell  
Alderman V. Agro  
Alderman Wm. McCulloch  
Kay Nolan  
Gabriel Etele  
Ozzie Ferguson  
Mary M. Pocius  
Charles Forsyth  
Gil Simmons  
Marianne Mokrycke  
Ivona Tanska-Stepien  
Fred Muylaert  
Diane Dent  
Joanne McCalin  
Joseph A. Macaluso  
Art Raymond  
Hubert Bluschke  
Silva Habensus  
James C. Drake

Carter Chev-Olds  
Development Concepts  
Development Concepts  
Alderman Ward 2  
Alderman Ward 2  
CAPIC  
CAPIC  
CAPIC  
CAPIC, Ferguson Avenue  
CAPIC, Ferguson Avenue  
CAPIC, Urban Design Committee  
Urban Design Committee  
Urban Design Committee  
Urban Design Committee  
Urban Design Committee  
per Fred Vermuellen - Urban Design Committee  
Central/Beasley Citizen's Advisory Committee  
Central/Beasley Citizen's Advisory Committee  
Central/Beasley Citizen's Advisory Committee  
Central/Beasley Citizen's Advisory Committee  
Central/Beasley Citizen's Advisory Committee

### Staff and Others

David Godley	Local Planning
Mary Domagala	Local Planning
Vladimir Matus	Local Planning
Bill Janssen	Local Planning
Wendy Crevier	Traffic Department
Mark Mascarenhas	City Housing Department
Jan Pacey	Public Works/Ferguson Avenue
Sylvia Renshaw	Economic Development Department
John Mokrycke	

1. David Godley called the meeting to order at 12:10 p.m. He indicated that Maurice Carter and his consultants Development Concepts have made an application for a Neighbourhood Plan Review. Several groups were brought together to provide initial feedback on the proposal for "Carter Square" at this meeting.
2. Introductions were made around the room.
3. David Godley noted that Carter Square was in line with the principles of the Central Area Plan. He noted that a report will be forwarded to Planning and Development Committee asking for a Public Meeting. At this Public Meeting written submissions will be requested from the general public on the neighbourhood plan amendment and the proposed rezoning depending on timing. David introduced Don Mitchell and Brian Spratley of Development Concepts and Maurice Carter of Carter Chev-Olds.
4. Maurice Carter indicated that about 30 years ago he bought his property from the CNR. He now has too much land and would like to do something with it. He would like to make a positive contribution to the surrounding neighbourhood. About 2 years ago he employed Development Concepts and his plans are now taking shape.
5. Don Mitchell of Development Concepts provided an overview of the proposal. Basically, it is a strategic business plan and not a development plan. It involves financial planning aspects of the site. Based on the analysis of physical constraints and opportunities a number of conclusions were made:
  1. to retain an automotive retail component;
  2. to incorporate housing which provides for a balanced streetscape with the surrounding older homes;
  3. to bring in the CN lands as a component of the proposal; and,
  4. to focus on Ferguson Avenue as a focal point.
6. In terms of the specifics of the proposal, Don Mitchell stated that the plan calls for a series of independent modules (i.e. buildings, series of buildings) to be developed over a long period of time in response to market conditions. Some highlights include:
  1. Ferguson Avenue would become a central boulevard to the development and off the street would be a series of opportunities for residential development Ferguson Avenue would also include an enhanced visual identity;
  2. Automotive uses would line both sides of Cannon Street;
  3. Mixed uses would front Barton Street;

4. Housing next to established neighbourhoods would respect the character of the neighbourhood and higher densities would be toward the centre.
7. Don Mitchell referred to display examples of various types of housing and commercial designs.
8. David Godley thanked Don Mitchell for the overview and opened the floor to questions.
9. Joe Macaluso described the work of the Central/Beasley, PRIDE Citizens Advisory Committee (CAC) with special focus on the rehabilitation of McLaven and Beasley Parks. On behalf of the CAC, Mr. Macaluso had an initial objection to the automotive uses proposed on Cannon Street on a portion of Beasley Park. The CAC, as part of PRIDE process is planning on extending the park to Cannon Street. The CAC felt it was very important to keep the visibility of the park on Cannon Street. Mr. Macaluso expressed that the overall proposal, especially with Ferguson Street becoming a people street was very positive. He suggested that a park might also be incorporated into the complex.
10. David Godley thanked the Central/Beasley CAC for their input and asked Don Mitchell to provide an explanation of green space in the complex.
11. Don Mitchell said the plan called for public green space, a public linkage (Ferguson Street) and private green space behind buildings (i.e. backyards).
12. Further discussion ensued on the subject of Beasley Park fronting onto Cannon. David Godley suggested that if plans were being put forth by the PRIDE CAC, these should be passed on to Development Concepts.
13. John Mokrycke noted that for a park to front Cannon Street would pose a safety concern however, access to a park from Cannon would be useful. Having commercial development on both sides of Cannon Street would benefit the area. Don Mitchell added that it would help reduce traffic speed along the street, as well.
14. Charles Forsyth, Chairperson of CAPIC noted a number of observations. He stated that there needed to be a "public policy counterpart" to the proposed business plan put forth by the applicant. Some type of stakeholders' process is needed to bring together all interests and to look into relationships between this development and surrounding area (i.e. Barton Street).
15. David Godley summarized by stating that perhaps one group is needed to follow through.
16. Maurice Carter had no problem with this approach.
17. Alderman McCulloch noted that citizen involvement through a neighbourhood-type planning process seemed appropriate.
18. Alderman Agro emphasized the need for a catalyst to encourage the revitalization of this part of the City. The area needs a spark such as this proposal to bring about a renaissance in this area.
19. Sylvia Renshaw asked if future populations would justify a park versus a commercial automotive development on Cannon Street?
20. Don Mitchell described the expected population trends. He concluded that the population will age and GO train service Hamilton will encourage the locations of young families to the area.
21. Charles Forsyth noted that the Central Area Plan encourages residential development in the Central Area. The plan also stresses the need for parkland to help create pleasant and livable places for the residents of neighbourhoods.
22. Diane Dent pointed out the importance of neighbourhood revitalization in Hamilton. She also noted that the issue of density in this development was critical. There are many ways to getting



increased density without having to build tall structures. She made reference to the Jack Diamond Study of the early 1970's, Moshe Safde's work and the High Density Study. Diane Dent also noted the shift from manufacturing industries to service industries and the relationship to encouraging people to live in the downtown. She concluded by stating the proposal was a great concept and to get the neighbourhood "on-board" by involving them in the planning.

23. Gil Simmons emphasized the importance of truly involving people in the process.
24. Jan Pacey described the work which will take place on redeveloping Ferguson Avenue.
25. Discussion ensued on the make-up of the Committee which will provide input to the process.
26. Alderman Agro suggested that 2 people be selected from each of the committees present at the meeting. It was agreed that each committee would submit names.
27. Don Mitchell summarized the proposal.
28. The meeting adjourned at 2:10 p.m.

MD:ma/dkp  
carter.min



15.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 July 8  
ZA-89-105  
Eleanor Neighbourhood

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for a change in zoning - Lands in the area north of Rymal Road East and west of Upper Gage Avenue.

**RECOMMENDATION:**

That approval be given to Zoning Application 89-105, DiCenzo Construction, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for lands located in the area north of Rymal Road East and west of Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located in the area north of Rymal Road East and west of Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A".



The effect of the By-law is to permit development of the subject lands for single-family dwellings.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**A.L. Georgieff, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

On October 13, 1988, Regional Council approved a draft plan of subdivision (Gagliano Gardens Addition - File 25T-86032) which provides for 41 single-family dwelling lots and 2 blocks for future development (see APPENDIX "B").

***LOT SIZE AND AREA:***

The subject lands have street frontage to both Eaglewood Drive and Gagliano Drive and have a lot area of 2.127 ha (5.25 ac.).

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant	"AA" (Agricultural) District
to the south	single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single-Family Detached) District
to the west	single-family dwellings vacant land	"C" (Urban Protected Residential, etc.) District

### OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The proposal complies with the intent of the Official Plan.

### NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Eleanor Neighbourhood Plan. The proposal complies with the intent of the Plan.

### COMMENTS RECEIVED:

- The Building Department, Traffic Department, Hamilton Region Conservation Authority have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:  

"There are external public watermains and separate storm and sanitary sewers available to service these lands.

Internal servicing and related matters is dealt with during the draft plan of subdivision stage."

### COMMENTS:

1. The proposal complies with the intent of both the Official Plan and the approved Eleanor Neighbourhood Plan.
2. The proposal can be supported for the following reasons:
  - i) it is compatible with existing and future intended residential development in the surrounding area;

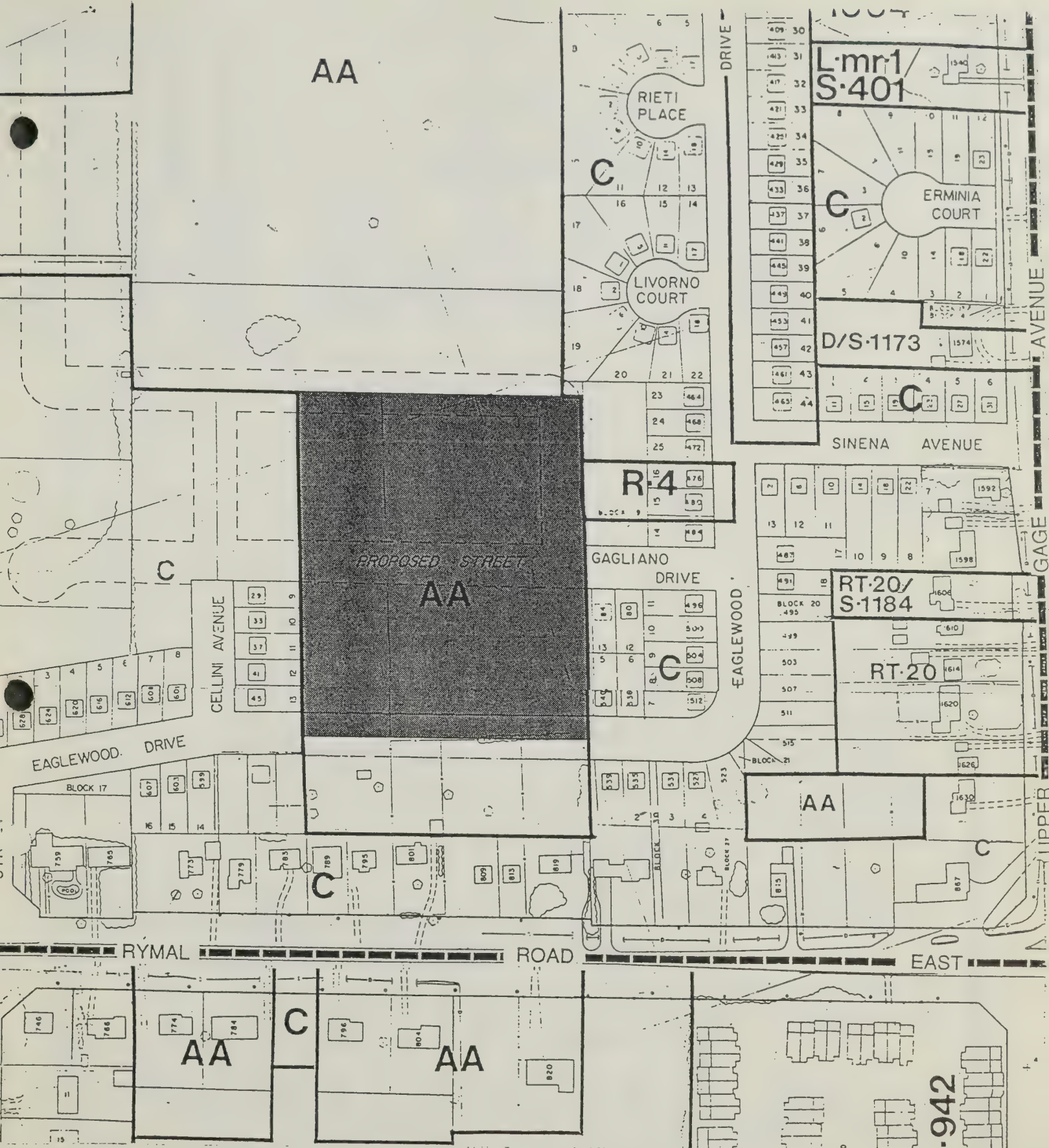
- ii) it implements the intent of both the Official Plan and the approved Eleanor Neighbourhood Plan;
- iii) the zoning is appropriate for the intended use; and,
- iv) it satisfies one of the conditions of draft plan approval.

**CONCLUSION:**

On the basis of the foregoing, the proposal can be supported.

GAW/ma  
WPZA89105





Legend



Site of the Application







16.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 July 15  
(ZA-91-21)  
(25T-88037)

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Proposed Rezoning Application and Proposed Draft Plan of Subdivision "The Gardens of Rymal" revised plan.

**RECOMMENDATION:**

1. Zoning Application

- A. That Zoning Application 91-21, Rymal Gardens Inc. (Vincent DeBenedictis, President), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District (Block "2"), to permit "small lot" single-family dwellings on Block "1" and townhouses on Block "2", for property located in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be **DENIED**, for the following reasons:
- i) It conflicts with the intent of the approved Chappel West Neighbourhood Plan which designates Block "2" on the attached APPENDIX "A" for "SINGLE and DOUBLE" residential use;
  - ii) Approval of the proposed townhouse development would encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and alter the character of the area;
  - iii) Approval of the proposed townhouse development would result in the establishment of townhouses along both sides of the proposed extension of Upper Wentworth Street in the area south of Rymal Road East, except for a small park site, which represents an overintensification of use. In this regard, the proposed townhouse development would yield more than twice the density (86 units as opposed to only 34 units) for this Block of land as provided by the draft approved plan of subdivision.



- B. That APPROVAL be given to an amended Zoning Application 91-21, Rymal Gardens Inc. (Vincent DeBenedictis, President), owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District to permit "small lot" single-family dwellings for property located in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street, as shown on the attached map marked as APPENDIX "C", on the following basis:
- i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
  - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18E for presentation to City Council; and,
  - iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

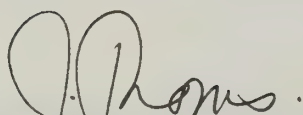
*EXPLANATORY NOTE:*

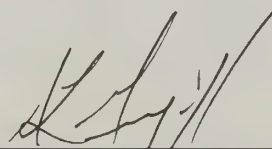
The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District, for property located in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street, as shown on the attached map marked as APPENDIX "C".

The effect of the By-law is to permit development of the subject lands for "small lot" single-family houses.

2. Subdivision Application

- A. That the revised plan "The Gardens of Rymal", Rymal Gardens Inc., owner, under Regional File No. 25T-88037 showing blocks for townhouse development, be denied.
- B. That in the event that the Committee approves a zoning change, this matter be referred back to staff to establish appropriate lotting and subdivision conditions.

  
\_\_\_\_\_  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning & Development Department

  
\_\_\_\_\_  
A. L. Georgieff, M.C.I.P.  
Director  
Local Planning Branch

## ***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

Cost sharing for fences between the proposed lots and the abutting City Parkland.

## ***BACKGROUND:***

Owner: Rymal Gardens Inc., c/o Benemar Construction Inc., Hamilton, Ontario

Agent: Sidney W. Woods Engineering Inc., Hamilton, Ontario

Surveyor: J. D. Barnes Limited, Hamilton, Ontario

Location: The lands, comprising 7.581 ha, are located to the south of Rymal Road East and west of the proposed extension of Upper Wentworth Street in the Chappel West Neighbourhood, City of Hamilton

## **LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	vacant and lands under construction	"DE" (Low Density Multiple Dwellings) District
to the south	vacant lands and a hydro power line corridor	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District (Township of Glanbrook)
to the east	vacant	"AA" (Agricultural) District, "AA" (Agricultural) District, modified and "RT-10" (Townhouse) District
to the west	vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

## **Rezoning Proposal:**

The owner proposes to rezone the lands from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District (Block "2").

### Subdivision Proposal:

The owner proposes to amend part of a draft approved plan of subdivision for 112 lots for single family dwellings to provide 39 lots for single family dwellings, 55 lots for "small lot" single family dwellings, 2 blocks for townhouse dwellings (86 units) and revisions to the street layout.

### Existing Development Controls:

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "Residential - single and double" use. The part of the proposal for townhouse dwellings does not comply, nor does the revised road pattern.

Niagara Escarpment - the lands are not within the "Development Control Area" therefore, the regulations do not apply.

### Comments From Circulation

#### 1. Zoning Application

- The Building Department has advised that:
  - "1. Under a "R-4" zoning district, the lands are subject to a plan of subdivision."
- The Traffic Department has advised that:
  - "...we have reviewed the above noted application and find it satisfactory provided that no street townhouses be permitted fronting onto the proposed extension of Upper Wentworth Street."
- The Hamilton-Wentworth Engineering Department has advised that:
  - "There are external watermains and separate storm and sanitary sewers available to service these lands. Internal servicing will be dealt with under the draft plan of subdivision."

The subject lands are to be developed through a satisfactory plan of subdivision and all the street widths and daylight triangles must be correctly shown. The plans submitted with the application do not indicate the proper street widths and daylight triangles, especially in the area of the mid block collector street. The



street widths of B and C must be 20.0 m with 15 m cul-de-sacs and 9 meter radius into and out of the cul-de-sac bulb.

Upper Wentworth Street is to be established to its full width and constructed and there may be access restrictions on Upper Wentworth Street dependant on geometric design specifications and intensity of development of the town house blocks.

The subdivision plan must be amended to reflect these requirements. Servicing costs etc. will be recovered through the subdivision process."

- Trans Canada Pipelines has advised that:

"...the proposed development is immediately north of the Ontario Hydro power corridor within which TransCanada operates two natural gas pipelines. Our northern-most pipeline is approximately 200 feet from the north limit of the hydro property. Therefore the proposed development should not physically affect our facilities.

As TransCanada has installed heavy wall pipe at this location, the development should not affect our class location requirements. Our only comment would be to ensure that the developer is aware that all crossings of the right-of-way by roads, services or utilities must first be authorized by TransCanada Pipelines. The crossing applicant will be required to sign TransCanada's standard crossing agreement. This agreement will be binding upon subsequent owners of the roads, services and/or utilities. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision."

## 2. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ontario Hydro (Toronto) - subject to conditions presently included in the draft approval  
Union Gas  
Bell Canada  
TransCanada Pipelines  
Township of Glanbrook

The City of Hamilton Building Department has submitted the following comments:

- "1. Block 95 and Block 96 require a change of zoning from the present "C" zoning district. Subsequently minimum lot area shall be based upon intensity of use.

2. Lots 1-88 ("C" zoning district) must have a minimum width of 12.0m and a minimum area of 360m<sup>2</sup>. Many of the lots shown do not meet these minimum requirements.
3. Submissions must include the surveyors calculations for lot areas. Lot widths must be measured at a depth of 9.0m from and parallel to the front property lines or chords as the case may be."

The City of Hamilton Traffic Department has submitted the following comments:

- "1. It is our understanding that steps are being taken to extend Upper Wentworth Street southerly to the north edge of Block 95 and that Street A will be extended out to this extension of Upper Wentworth Street.

However, we recommend that Upper Wentworth Street be extended to Block 125 in order to provide two means of access to the subdivision and in order that the proposed multiple family dwelling sites will have access to a major roadway.

2. Attention should be paid to the road right-of-way widths. Streets B and D and the bulb of Street C are only 18.0m wide instead of the usual 20.0m width."

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"FOR INFORMATION:

1. Road access and municipal services (water, storm and sanitary sewers) are existing on Upper Wentworth Street, but only up to the northerly limit of the Board of Education lands. Therefore, road access and servicing of this subdivision is dependent on the extension of Upper Wentworth Street southerly through the School Board lands and an east/west road to connect Upper Wentworth Street to Street "A" at the north end.
2. Comments from the Ontario Hydro Commission should be considered as this proposal is adjacent to their property. Any works required by Ontario Hydro (ie. fencing, grading etc.) will be at the owner's expense.
3. The proposed 6.0m walkway between lots 39 and 40 is shown as 9.0m on the approved Chapel West Neighbourhood Plan, therefore the actual width of the walkway should be resolved between the Owner and the Planning Department.

4. The proposed road pattern of Street "A" and Street "D" south of Street "C" and Blocks 95 and 96 do not conform to the Approved Chapel West Neighbourhood Plan.
5. Should Blocks 95 and 96 be approved for Townhouse development, access may only be permitted onto Upper Wentworth Street. Also, Upper Wentworth Street is to be constructed prior to, or in conjunction with the development of Blocks 95 and 96.
6. The City will be cost sharing equally for fences along the rear of lots 9 to 31 (inclusive) and lots 38 to 41 (inclusive) as these lots boarder future City Parklands.
7. It is expected that there will be cost sharing, with the Region's share being approximately \$46,000.00, due to oversizing of a watermain on Upper Wentworth Street.

#### RECOMMENDATIONS

1. That the Final Plan not be registered until municipal services have been extended southerly along Upper Wentworth Street through the Board of Education lands and along the east/west road connecting Upper Wentworth Street to Street "A" at the north end, and not until these roads are established as City Streets by By-Law.
2. That the road allowances for Streets "B", "C", and "D" be established to a full width of 20.0 metres.
3. That 12.0m x 12.0m daylight triangles be established on the corners of Blocks 95 and 96 where Street "A" intersects Upper Wentworth Street at the south end of the proposed plan.
4. That 2.0m x 2.0m daylight triangles be established on the corners of lots 35, 62 and 88.
5. That Street "A" at the south end of the proposed plan align centerline to centerline with Street "E" on the east side of Upper Wentworth Street.
6. That the Owner enter into subdivision agreements with both the City and the Region prior to the development of any portion of these lands.

The submitted plan, as prepared by S. Balaban, O.L.S. and stamped with the date March 8, 1991, is satisfactory to this Department subject to the above noted comments and recommendations."



## COMMENTS

1. The rezoning application as submitted cannot be supported for the following reasons:
  - i) The proposal to establish townhouses on Block "2" (see APPENDIX "A") conflicts with the intent of the approved Chappel West Neighbourhood Plan which designates these lands for "SINGLE and DOUBLE" residential use;
  - ii) Approval of the proposed townhouse development would encourage other similar applications which, if approved, would undermine the intent of the neighbourhood plan and alter the character of the area;
  - iii) Approval of the proposed townhouse development would result in the establishment of townhouses along both sides of the proposed extension of Upper Wentworth Street in the area south of Rymal Road East, except for a small park site, which represents an overintensification of use (see APPENDIX "B"). In this regard, the proposed townhouse development would yield more than twice the density proposed by the Chappel West Neighbourhood Plan for this block of land (approximately 86 units as opposed to 34 units, provided by the draft approved plan of subdivision.)
2. Consideration can be given to approval of an amended zoning application to rezone a portion of the draft approved plan of subdivision from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District, to permit "small lot" single-family dwelling lots (see APPENDIX "C"), for the following reasons:
  - i) it implements the intent of the Official Plan;
  - ii) it is compatible with existing and future planned development in the surrounding area;
  - iii) it provides for a variety of housing styles, types and density within the plan of subdivision.

The revised plan will provide for the grouping of the proposed "R-4" lots without requiring major revision to the draft approved plan of subdivision.

In this regard, the area set aside for the small lot single-family detached dwellings would yield the same number of lots as proposed by the applicant (approximately 55 lots), but arranged in an orderly gradation of density and housing types.
3. Development of the lands within an "R-4" District in a plan of subdivision shall have an average lot width of not less than 10.0m and an average lot area of not less than 306.0 m<sup>2</sup> for each single-family dwelling. Since the proposed lot will adjoin another residential district, the minimum side yard requirements of the adjoining district(s)

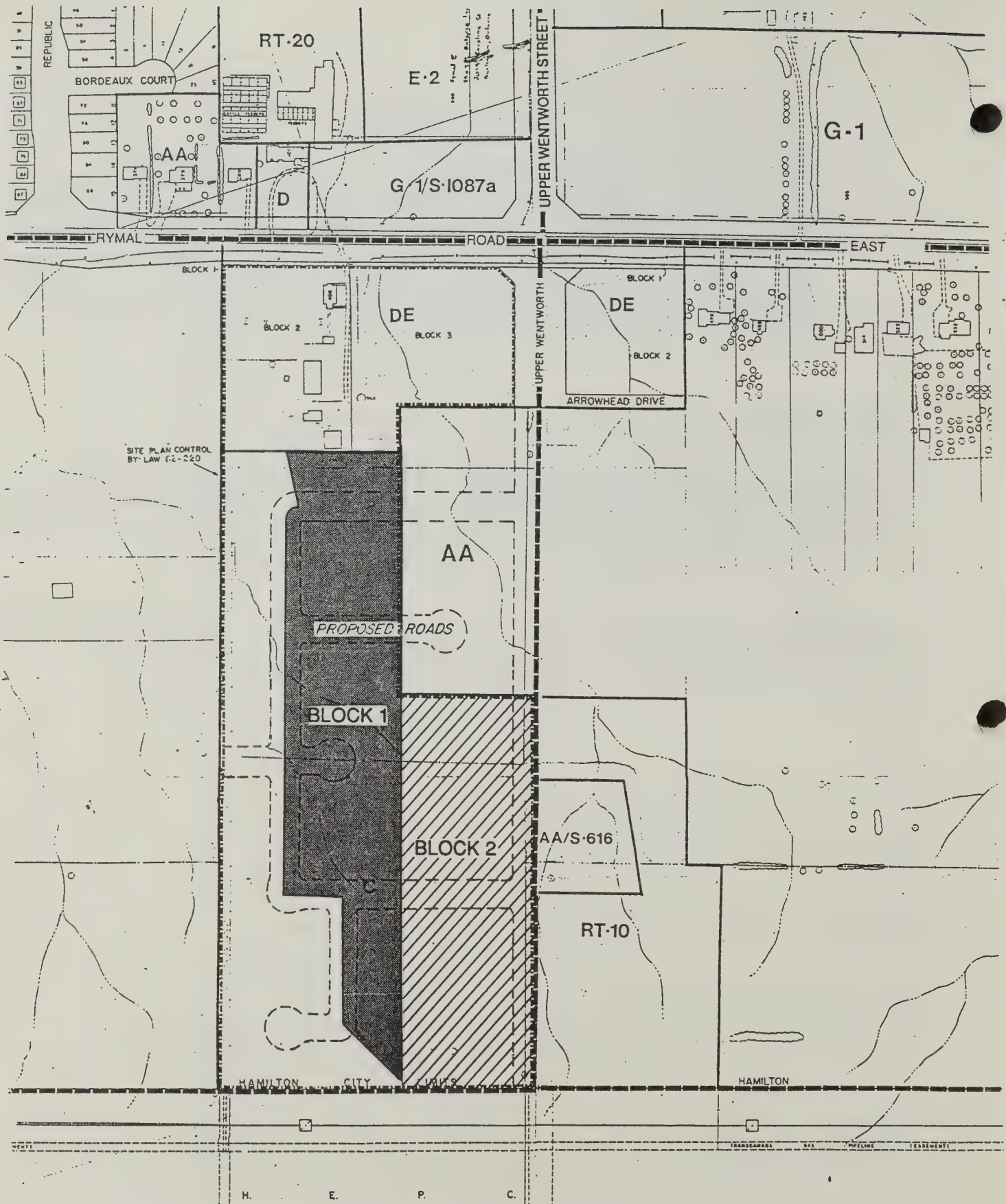
would apply to the end lots in the "R-4" District. In addition, maintenance easements will be required for any "zero yard" established.

4. The subdivision application as submitted cannot be supported without the acceptance of the rezoning application as submitted. To bring the present draft approved subdivision into conformity with the recommended zoning, it would be necessary to replot the area shown as "R-4" on Appendix "C" to provide lots having an average width of 10.0m and average area of 306.0m with a minimum of 9.0m and 278.0m respectively. However, this could also be left until the final plan is prepared, which will have to comply with the then existing zoning.

#### CONCLUSION:

The application as submitted cannot be supported. However, consideration can be given to an amended zoning application to provide for a change in zoning of the lands shown on the attached map marked as APPENDIX "C", from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

LJL/GW:fd/sk



### Legend

Proposed change in zoning from "C" (Urban Protected Residential, etc.) District to:



"R-4" (Small Lot Single-Family Detached) District.



"RT-20" (Townhouse-Maisonette) District.





TEL: (416) 546-2720 HAMILTON, ONTARIO FAX: (416) 546-2764

DATE RECIEVED: \_\_\_\_\_

DATE ISSUED

Neighbourhood Boundary

Zoning Boundary

Approvals

Planning Committee NOV. 1, 1989

Council NOV. 14, 1989

Latest Revision Date NOV. 29, 1989

CITY OF HAMILTON

PLANNING DEPARTMENT

CHAPPEL WEST

APPROVED PLAN

0 100 m

50 m

24

NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND:

Board of Education for the City of Hamilton Existing School Sites

Possible Bike Route

Area of Larger Lots

LAND USE

RESIDENTIAL

single & double attached housing

low density apartments

medium density apartments

high density apartments

commercial & apartments

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

Neighbourhood Boundary

Zoning Boundary

Approvals

Planning Committee NOV. 1, 1989

Council NOV. 14, 1989

Latest Revision Date NOV. 29, 1989

CITY OF HAMILTON

PLANNING DEPARTMENT

CHAPPEL EAST

APPROVED PLAN

0 100 m

50 m

23

SIDE OF THE APPLICATION



ADP

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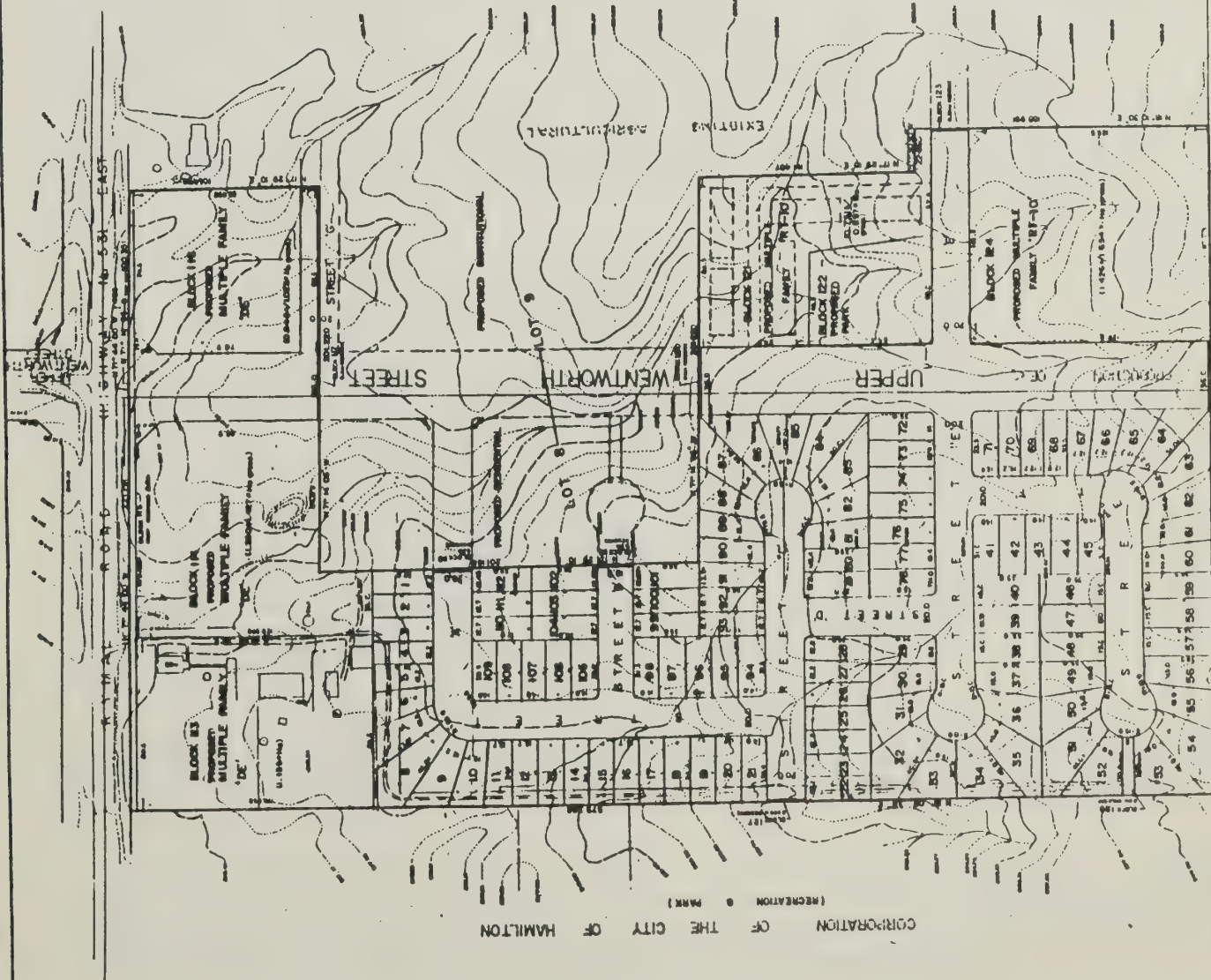
APPENDIX C





CAUTION:  
THIS IS NOT A FINAL PLAN AND IS SUBJECT TO  
REVISION AND AMENDMENT.

NOTE:  
CONTOURS SHOWN ON THIS PLAN HAVE BEEN  
TAKEN FROM RESIDENTIAL LAND USE MAPS



CORPORATION OF THE CITY OF HAMILTON

(RECREATION • PARK)

SOUTHERN PART OF THE CORPORATION OF THE CITY OF HAMILTON  
LANDS OF INTEREST ELECTRIC POWER TRANSMISSION OF CANTON

DRAFT APPROVED PLAN

KEY PLAN  
SHEET 111

REVISED DRAFT PLAN (DECEMBER 22, 1969)

OF THE GARDENS OF RYMAL (25T-88037)

PART OF LOTS 888, CONCESSION ONE

TOWNSHIP OF GLANFORD

CITY OF HAMILTON

IN THE REGIONAL MUNICIPALITY OF HAMILTON-NORTH

Scale: 1:1,000

500' 0"

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

THE BOUNDARIES OF THE LANDS UNDER APPLICATION BY THIS PLAN  
AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY  
AND CORRECTLY SHOWN

DATE: OCT. 26, 1968

BY: [Signature]

FOR: JOHN BODD OLLS

OWNER'S CERTIFICATE

WE HEREBY AUTHORIZE SIDNEY W. WOODS ENGINEERING INC. TO

SUBMIT THIS PLAN FOR APPROVAL

FINAL APPROVED BY: [Signature] FOR: [Signature] PREPARED BY: [Signature]

SCHEDULE:

RE: SECTION 50(2) OF THE PLANNING ACT RSO(19)

AS SHOWN ON PLAN  
AS SHOWN ON PLAN  
AS SHOWN ON PLAN  
SINGLE'S MULTIPLE FAMILY  
RESIDENTIAL & COMMERCIAL  
INDUSTRIAL & RESIDENTIAL  
AS SHOWN ON PLAN  
WATERWORKS, WATER SUPPLY  
110' P. T.L.  
AS SHOWN ON PLAN  
RECREATION SERVICES AVAILABLE  
UNKNOWN ON PLAN

SYDNEY W. WOODS  
ENGINEERING INC.  
HAMILTON, ONTARIO

CONTRACT NO. E-1039  
SHEET 111





# Evans, Philp

BARRISTERS & SOLICITORS

16a.

W. IAN GORDON, Q.C., LL.B.  
LEE A. PINELLI, LL.B.  
ROBERT H. ROGERS, LL.B.  
PAUL H. PHILP, LL.B.  
FILOMENA TASSI, LL.B.  
MARK J. ZEGA, LL.B.  
BRUCE F. DAVIES, LL.B.

JOSEPH M. PIGOTT, Q.C., LL.B.  
LARRY G. CULVER, LL.B.  
BRENT J. FOREMAN, LL.B.  
RANDALL S. BOCKOCK, LL.B.  
WAYNE R. RICHARD, LL.B.  
NANCY L. SMITH, LL.B.

ORVILLE M. WALSH, K.C.  
(1919-1949)

F. JOHN L. EVANS, Q.C., LL.B.  
(1931-1980)

RECEIVED

(416) 525-1200  
FAX (416) 525-7897

JUL 16 1991

16TH FLOOR, COMMERCE PLACE  
ONE KING STREET WEST

CITY CLERKS

MAIL  
P.O. BOX 930, STATION A  
HAMILTON, CANADA  
L8N 3P9

July 12, 1991

Planning & Development Committee  
Corporation for the City of Hamilton  
City Hall  
71 Main Street West  
HAMILTON, Ontario  
L8N 3T4

Attention: Susan Reeder  
Secretary to the Planning & Development Committee

Dear Ms. Reeder:

RE: Rymal Gardens Inc.  
Planning Department File No. ZA-91/21

July 24  
P.D.  
meeting

We are solicitors to the Board of Education for the City of Hamilton. As you are aware, our client owns lands abutting the subject lands. Our client's lands have been rendered useless as a school site by the Agreement with the City to allow for the extension of Upper Wentworth Street and the creation of an east - west street from the applicant's lands to Upper Wentworth Street. Such conveyances for streets will result in our client holding three parcels of developable property. We enclose herewith a copy of Reference Plan 11311 to more readily identify our client's lands. We will deal only with the lands on the west side of Upper Wentworth Street (as proposed).

We suggest it is encumbrant on the Planning and Development Committee to consider the potential development of our client's lands when deciding the appropriate land use for the Rymal Gardens Inc. lands.

Upper Wentworth Street is an important north - south arterial street, as evidenced by the fact that it will be 35.4 m (116') wide as opposed to 21.1 m (66'). Single family development on our client's lands is not desirable or feasible.

Evans, Philp

That portion of our client's lands hatched in red is already zoned DE; however, because of its size it clearly cannot be feasibly developed that way. It is logical, and we suggest, sound planning to have the remainder of the parcel north of the east - west street, being the lands hatched in green, zoned RT20 so that the lands hatched in red and green can be developed together and accessed by the east - west street.

We also suggest that since single family development would not be appropriate for the lands south of the east - west street that a cluster type of townhouse development with some set back from Upper Wentworth Street would be appropriate. We, therefore, suggest that the lands hatched in orange should be developed under a RT20 zoning. This property could be accessed by the east - west street.

We have no objection to the applicant's lands being zoned as requested provided that it does not prejudice the development of our client's lands or a more soundly planned development of the neighbourhood. The extension of the RT20 zoning southerly from Rymal Road would seem to be a logical progression and that zoning should include all of our client's lands and whatever of the applicant's lands deemed appropriate by your committee. We submit, however, that in arriving at any conclusion, you must keep an overview of the potential development for the whole neighbourhood.

All of which is respectively  
submitted,

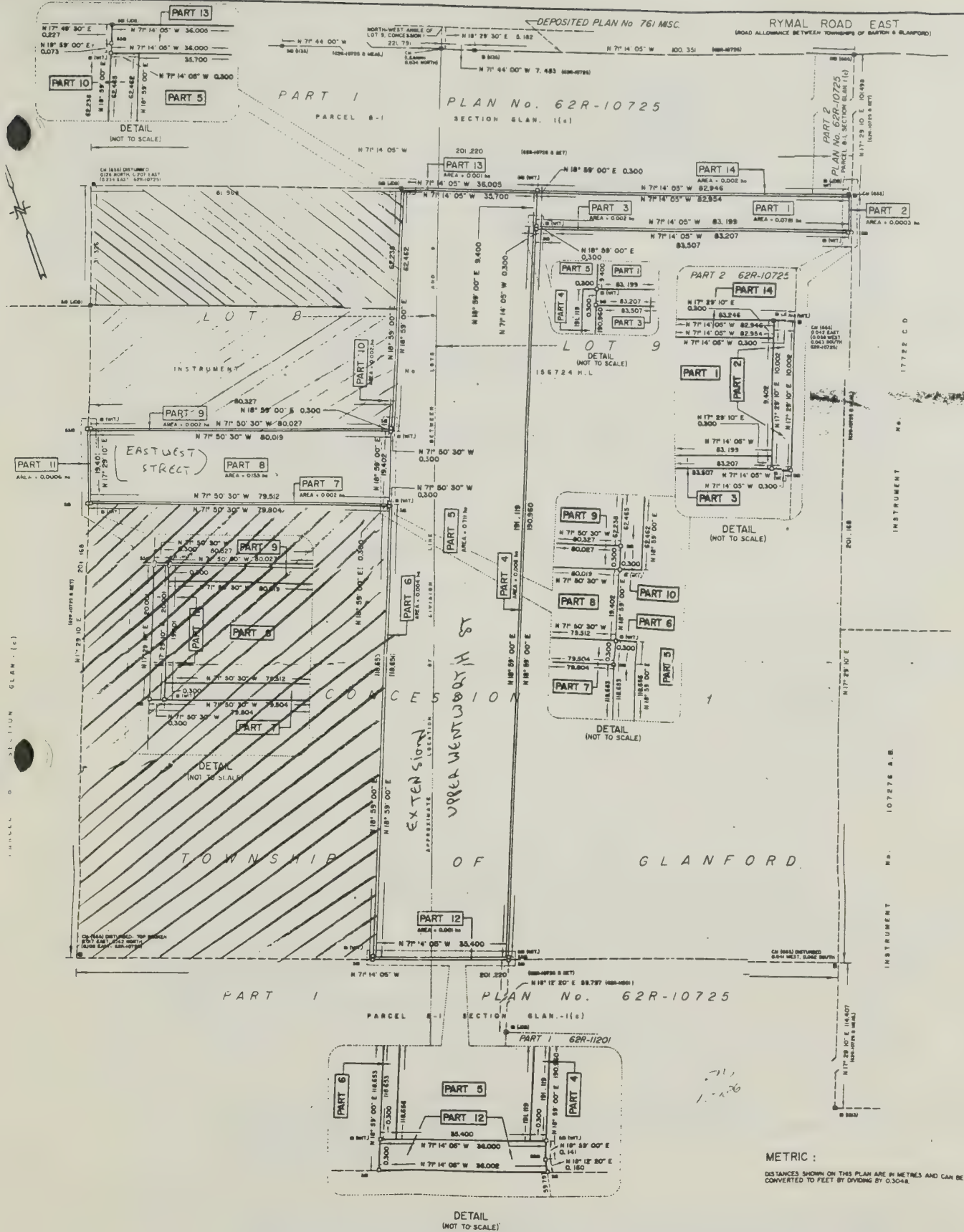
EVANS, PHILP  
Solicitors for the Board of  
Education for the City of Hamilton

Per:

W. IAN GORDON

WIG/lb

cc Mr. Douglas Kelteborn, Manager  
Property & Insurance  
The Board of Education for the City  
of Hamilton





I REQUIRE THIS PLAN TO BE  
DEPOSITED UNDER THE  
REGISTRY ACT

DATE JULY 16, 1990

*Richard C. Peele*  
RICHARD C. PEELE

PLAN 62R-11311

RECEIVED AND DEPOSITED

DATE 1990-07-19

*C. Oleksiuk*  
LAND REGISTRAR FOR THE  
REGISTRY DIVISION OF  
WENTWORTH (No. 62)

SCHEDULE

SCHEDULE			
PART	LOCATION	INSTRUMENT	
PART 1	PART OF LOT 9 CONCESSION 1 TOWNSHIP OF GLANFORD	156724 H L	
PART 2			
PART 3			
PART 4			
PART 5	PART OF LOTS 8 & 9-CONCESSION 1		
PART 6			
PART 7	PART OF LOT 8 CONCESSION 1 TOWNSHIP OF GLANFORD		
PART 8			
PART 9			
PART 10			
PART 11	PART OF LOTS 8 & 9-CONCESSION 1		
PART 12			
PART 13	TOWNSHIP OF GLANFORD		
PART 14	PART OF LOT 9 CON 1, GLANFORD		

PLAN OF SURVEY  
SHOWING

PART OF LOTS 8 AND 9  
CONCESSION 1

IN THE GEOGRAPHIC  
TOWNSHIP OF GLANFORD  
NOW IN THE

CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:600



J. D. BARNES LIMITED  
1990

NOTES:

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE  
REFERRED TO THE SOUTHERN LIMIT OF RYAL ROAD EAST  
AND SHOWN ON PLAN No. 62R-10725 AS N 71° 44' 00" W

- B DENOTES SURVEY MONUMENT FOUND
- D DENOTES SURVEY MONUMENT PLANTED
- SB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CM DENOTES CONCRETE MONUMENT
- NI DENOTES NOT IDENTIFIED
- SS DENOTES J. T. PETERS, O.L.S.
- WT DENOTES WITNESS
- JB DENOTES J. D. BARNES LIMITED
- IBS DENOTES MacKAY, MacKAY & PETERS LIMITED

**CAUTION** THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN  
THE MEANING OF THE PLANNING ACT

SURVEYOR'S CERTIFICATE

1. I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS  
ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER
2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF JULY, 1990.

DATE JULY 19, 1990

*Michael J. Laidlaw*  
MICHAEL J. LAIDLAW  
ONTARIO LAND SURVEYOR



J.D. BARNES  
LIMITED

SURVEYING MAPPING  
LAND INFORMATION SERVICES

OFFICE OF ORIGIN

45 FIRD STREET - UNIT 1  
HAMILTON, ONTARIO  
TELEPHONE (416) 522-3511  
FAX (416) 572-915

DRAWN BY RCP

CHECKED BY DC

REFERENCE NO.  
89-29-42-06

17.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991, June 28  
ZA-91-20  
Beasley Neighbourhood

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

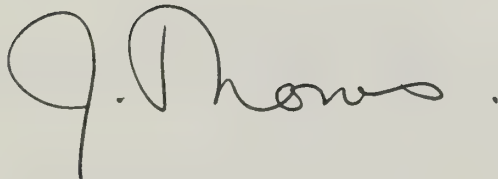
Request for a change in Zoning - Nos. 87, 89, 91, 93, and 95 Wellington Street North and No. 216 Wilson Street.

**RECOMMENDATION:**

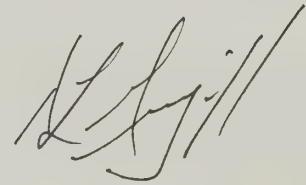
That Zoning Application 91-20, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District modified, to construct a two-storey office building having a gross floor area of 632 m<sup>2</sup>, for property located at Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) It does not comply with the intent of the Official Plan and conflicts with the intent of the approved Beasley Neighbourhood Plan which designates the land for "HIGH DENSITY APARTMENTS";
- ii) It conflicts with the intent of the Zoning By-law, in that the "L-mr-2" District functions as a holding zone for future medium and high density multiple residential dwellings. The "L-mr-2" District regulations clearly delineate those zoning districts to which an "L-mr-2" zoned property can be rezoned (i.e. "E", "E-1" and "E-3"). The requested "H" District is contrary to the intent of the "L-mr-2" holding zone;

- iii) Most of the adjoining lands are either being used for residential purposes or are designated for residential purposes. The proposed office building would be incompatible with the land uses existing/proposed in the area;
- iv) Approval of the application would set an undesirable precedent and may encourage other similar applications which, if approved, would undermine the intent of the zoning by-law and alter the character of the area; and,
- v) It conflicts with the position of City Council, adopted April 10, 1990, to deny the application to permit the development of the lands for commercial purposes.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**A.L. Georgieff, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

**BACKGROUND:**

- Proposal

It is the applicant's intention to construct a two-storey office building having a gross floor area of 632 m<sup>2</sup> (6,802 sq.ft.) [see APPENDIX "B"]. The existing buildings, which contain nine residential dwellings (according to the assessment records), would be demolished.



This rezoning application is identical to the one filed in 1989.

- ZA 89-133

In 1989, the applicant applied to have the lands rezoned to "H" (Community Shopping and Commercial District, etc.) to permit the construction of a two storey office building for a real estate company and property management company.

The Planning and Development Committee, at its meeting held on April 4, 1990, denied the application and it was subsequently denied by City Council on April 10, 1990.

**APPLICANT:**

Fiore Manganiello<sup>SR</sup>, owner.

**LOT SIZE AND AREA:**

- 31.6 m (103.6 feet) of lot frontage on Wellington Street North;
- 24.7 m (81 feet) of lot frontage on Wilson Street; and,
- 779.6 m<sup>2</sup> (8,391.6 square feet) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	attached houses	"L-mr-2" (Planned Development - Multiple Residential) District

### Surrounding Lands

to the north and south	apartment building	"E-3" (High Density Multiple Dwellings) District, modified
to the west	attached houses	"L-mr-2" (Planned Development - Multiple Residential) District
to the east	commercial	"H" (Community Shopping and Commercial, etc.) District, modified

### **OFFICIAL PLAN:**

Designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept, the following policies are applicable:

- "A.2.8.1      To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA as shown on Schedule "A" will be for the following uses:
- i)      Commercial Uses, such as but not limited to, retail department stores; food, speciality and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial Policies set out in Subsection A.2.2 of this Plan.
- A.2.8.2      The locations of uses permitted within the Central Policy Area will be identified and detailed through the preparation of a Neighbourhood Plan."

In addition to the above, the subject lands are also located within SPECIAL POLICY AREA 3 on Schedule "B" - Special Policy Areas. The following policy should also be noted:

"2.9.3.1      The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

- iii)      Council will encourage the relocation of non-residential uses from predominantly stable Residential areas where the impacts of such use(s) cannot be effectively mitigated by means of, but not limited to, landscaping and buffering, building orientation and alterations to traffic flows;"

While the commercial policies for the central area encourage commercial development, the subject lands are also in Special Policy Area 3. The policies applicable to Special Policy Area 3 encourage the protection of existing housing and also promote new housing within this area. This proposal is to remove nine residential units from the existing housing stock as well as to use land designated for housing in the neighbourhood plan and the Zoning By-law for commercial purposes. Therefore, the proposal does not comply with the intent of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

#### **NEIGHBOURHOOD PLAN:**

Designated "HIGH DENSITY APARTMENTS" on the approved Beasley Neighbourhood Plan, the proposal conflicts with the intent of the Plan. Approval of the application would require a redesignation to "COMMERCIAL".



**RESULTS OF CIRCULARIZATION:**

- The following agencies have no comment or objection:

- Hamilton Region Conservation Authority; and,
- GO Transit.

- The Building Department has advised that:

- "1. This Department has considered Wellington Street North as the front lot line.
2. The proposed building shall be set back from the front lot line so that the canopy and the entrance door do not encroach over the road allowance.
3. The southerly side yard shall be 1.5 m minimum and the westerly rear yard shall be 4.5 m minimum.
4. Based on a floor area of 632.90 m<sup>2</sup> a minimum of three (3) parking spaces and one (1) 3.7 m x 9.0 m x 4.3 m loading space are required.
5. Dimensions of parking spaces, manoeuvring spaces and access driveways have not been provided to determine compliance."

- The Traffic Department has advised that:

"The proposed office building conflicts with the neighbourhood plan which designates the land for high density apartments. However, if it is approved, we recommend that the land be placed under site plan control to ensure proper design of access and parking facilities.

Regional Engineering has notified us that there are extensive road widenings required that will substantially reduce the size of building area. This will make it necessary to redesign the parking lot layout as the parking space manoeuvring aisle will be less than the required minimum 6.0 m and there will be inadequate truck manoeuvring room."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Wellington Street and Wilson Street is 26.21 m with 6.096 m daylight triangle required at the widened limits of Wilson Street and Wellington Street. In accordance with these designations, Survey Plan P820A was prepared outlining our road requirements on Wellington Street and Survey Plan P822A was prepared outlining our requirements on Wilson Street and both plans indicate the required 6.096 m x 6.096 m daylight triangle. Therefore, as a condition of development approval we recommend that:

- 1) The approximate 3.133 m widening on Wilson Street as shown on Survey Plan P822A be dedicated to the Region for road widening purposes;
- 2) The approximate 3.078 m widening on Wellington Street, as shown on Survey Plan P820A be dedicated to the Region for road widening purposes; and,
- 3) The 6.096 m x 6.096 m daylight triangle at the widened south west angle of Wilson Street and Wellington Street as shown on Plans P822A and P820A be dedicated to the Region for road widening purposes.

It is unclear from the plan submitted where the existing property lines are and this should be shown more clearly since the widening shown on the sketch may be increased. According to preliminary plans submitted by the applicant, the landscaping, ground sign, parking and building encroach into the widened road allowance limits and the daylight triangle. The plans must be revised and all setbacks taken from the widened limits of Wellington and Wilson Street and the daylight triangle. The plans submitted must be revised accordingly. The visual barriers should be a minimum of 3 to 5 metres from the street lines, as widened. According to plans submitted by the applicant, the existing building encroaches into the Wellington Street road allowance and if it is the applicants intention to retain the existing building, we recommend that the applicant/owner enter into an encroachment agreement with the Region as a condition or development approval.

We recommend that the subject lands be developed through site plan control. We require additional information on the site plan and advise now that access to Wilson Street may be restricted due to limited motorist visibility to the west. Further comments on access grading, setbacks etc. will be made at the site plan control stage."

#### COMMENTS:

1. The proposal does not comply with the intent of the Official Plan. However, approval of the application would not require an Official Plan amendment.
2. The application conflicts with the intent of the approved Beasley Neighbourhood Plan. Approval of the application would require a redesignation from "HIGH DENSITY APARTMENTS" to "COMMERCIAL".
3. The proposal cannot be supported for the following reasons:
  - i) It does not comply with the intent of the Official Plan and conflicts with the intent of the approved Beasley Neighbourhood Plan which designates the lands for "HIGH DENSITY APARTMENTS";
  - ii) It conflicts with the intent of the Zoning By-law. The "L-mr-2" (Planned Development - Multiple Residential) District functions as a holding zone for future medium and high density residential development. The Zoning By-law delineates the zoning districts to which an "L-mr-2" District can be rezoned and these districts are "E" (Multiple Dwellings, Lodges, Clubs, etc.), "E-1" (Multiple Dwellings, Lodges, Clubs, etc.), or "E-3" (High Density Multiple Dwellings). The proponent is requesting a rezoning to the "H" (Community Shopping and Commercial, etc.) District which is contrary to the intent of the Zoning By-law;
  - iii) Most of the adjoining lands are either being used for residential purposes or are designated for residential purposes. The proposed office building would be incompatible with the land uses existing/proposed in the area;



- iv) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area; and,
  - v) It conflicts with the position of City Council, adopted April 10, 1990, to deny the application to permit the development of the lands for commercial purposes.
4. The preliminary site plan submitted with the application does not include the 3.0 m road widenings on both Wellington and Wilson Streets, the 6 m x 6 m daylight triangle nor does it provide for the required 4.5 m rear yard and 1.5 m side yard setbacks. In addition, the plan has not included any buffering between the proposed commercial and the adjacent residential uses (a 1.5 m wide landscaped strip and a 1.2 m to 2.0 m high visual barrier). Based on the site restrictions, yard setbacks, and the buffering requirements, the proposal is considered as an overintensification in land use.

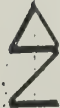
## CONCLUSION

On the basis of the foregoing, the application cannot be supported.

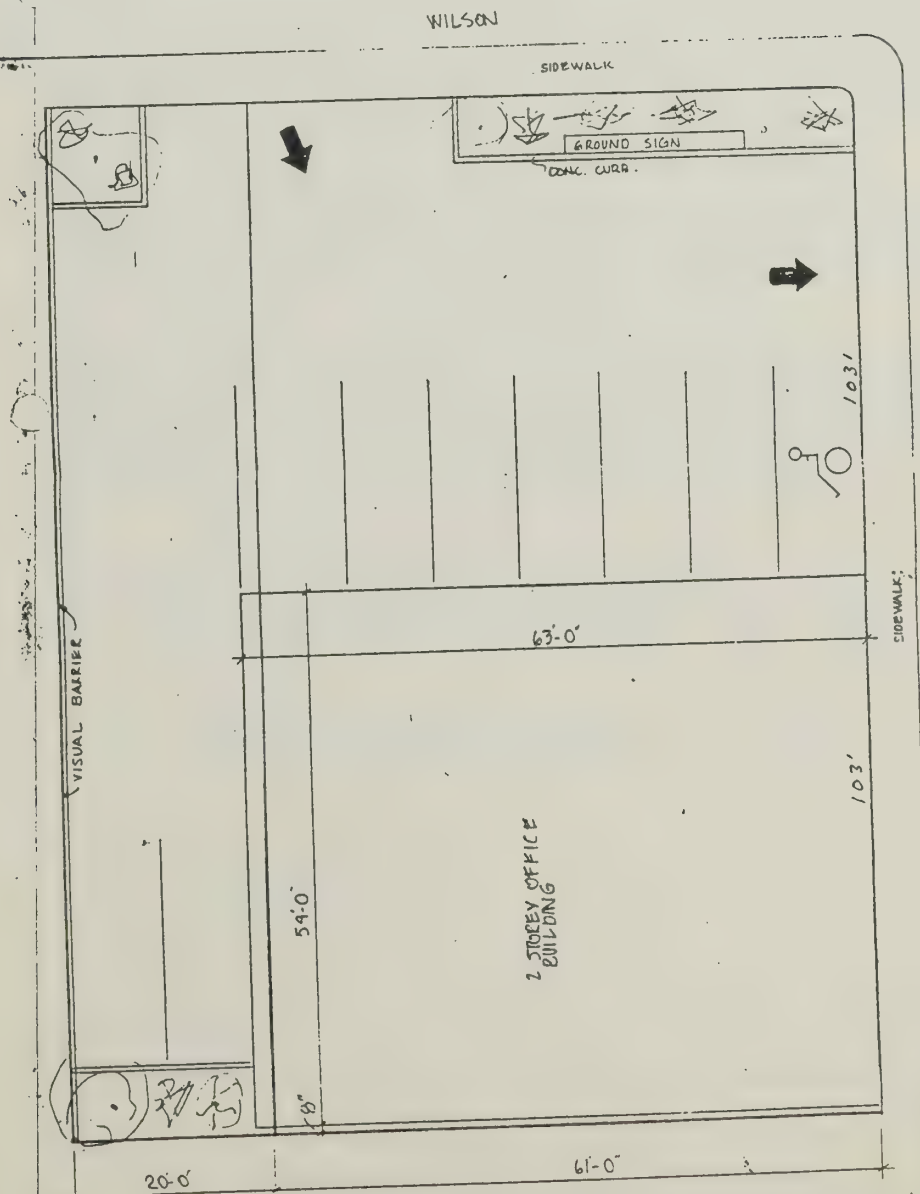
JHE/ma

WPZA9120





LAND AREA 0.343<sup>d</sup>  
G.F.A. 3402<sup>d</sup>  
PARKING SPACES 9  
BLDG HEIGHT 26' MAX  
LANDSCAPED AREA 325<sup>d</sup>







**FREURE**

REC 1

17a.

July 11, 1991

CITY CLERKS

Secretary  
Planning and Development Committee  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

2A91-20

Dear Sir/Madam,

Re: Property at 87, 89, 91, 93, 95 Wellington Street North and  
216 Wilson Street, Hamilton - Application for Zone Change

We represent that owners of the property at 82-90 Wellington Street North in Hamilton. Our property, developed as a 10,595 square foot plaza is located directly across from the Proposed 2 Storey Office Development on Wellington Street.

We object to the Proposal for a Change in Zoning from "L-mr-2" (Planned Development - Multiple Residential) to District "H" (Community Shopping and Commercial).

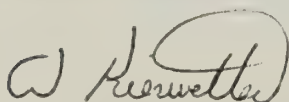
We feel that the application as proposed does not adequately provide enough parking for a 630.0 m<sup>2</sup> office development. Depending on the type of office tenant, staff and visitors could be forced to park off the site. If this were to happen, the proposed development of the subject property could fuel an already severe parking deficiency in the area.

We are particularly concerned for the merchants of our plaza because their customers have only 15 stalls within the plaza in which to park. If some of these spaces were to be tied up by people doing business at the proposed site, this could force undue hardship on our merchants.

We hope the Planning and Development Committee will consider our position and reject the Application for a Change in Zoning.

Respectively submitted,

FREURE MANAGEMENT LIMITED



Wm. Kieswetter  
Property Manager

WK:nr





**CITY OF HAMILTON**  
**- RECOMMENDATION -**

18.

**DATE:** July 11, 1991  
(ZA-91-25)  
Trenholme Neighbourhood

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for a modification in zoning - No. 1175 Stone Church Road East.

**RECOMMENDATION:**

That approval be given to amended Zoning Application 91-25, William Zolis, owner, for a modification to the "M-13" (Prestige Industrial) District regulations to permit additional commercial uses on the property located at 1175 Stone Church Road East, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
1. That notwithstanding Section 17E(1) (c) of By-law No. 6593, the following commercial uses shall be permitted:

<u>Uses</u>	<u>SIC Identification</u>
a) Office and Store Machinery, Equipment and Supplies, Wholesale	5791
b) Bakery Products Stores	6013
c) Appliance, Television, Radio and Stereo Stores	6221
d) Floor Covering Stores	6231

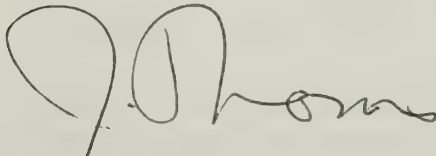
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|----|--|------|
| e) | Home and Auto Supply Stores                      | 6341 |
| f) | General Stores                                   | 6412 |
| g) | Hardware Stores                                  | 6531 |
| h) | Paint, Glass, and Wallpaper Stores               | 6532 |
| i) | Sporting Goods Stores                            | 6541 |
| j) | Other Banking-Type Intermediaries                | 7029 |
| k) | Insurance & Real Estate Agencies                 | 7611 |
| l) | Offices of Chartered and Certified Accountants   | 7731 |
| m) | Offices of Chiropractors and Osteopaths          | 8661 |
| n) | Restaurants, Licensed                            | 9211 |
| o) | Restaurants, Unlicensed<br>(Including Drive-Ins) | 9212 |
| p) | Take-Out Food Services                           | 9213 |
| q) | Combination Barber and Beauty Shops              | 9713 |
| r) | Self-Serve Laundries and/or Dry Cleaners         | 9723 |
| s) | Other Machinery and Equipment Rental and Leasing | 9919 |
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59C be notated as S- .
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for submission to City Council.
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

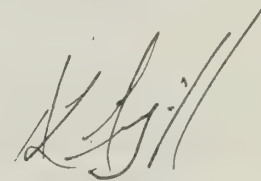
The purpose of the By-Law is to modify the existing "M-13" (Prestige Industrial) District regulations for property located at 1175 Stone Church Road East, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to allow, in addition to the permitted uses within the "M-13" District, the following commercial uses:

- Office and Store Machinery, Equipment and Supplies, Wholesale
- Appliance, Television, Radio and Stereo Stores
- Home and Auto Supply Stores
- Hardware Store
- Sporting Goods Store
- Insurance & Real Estate Agencies
- Offices of Chiropractors and Osteopaths
- Restaurants, Unlicensed
- Combination Barber and Beauty Shops
- Other Machinery and Equipment Rental and Leasing
- Bakery Products Stores
- Floor Covering Stores
- General Store
- Paint, Glass, and Wallpaper Store
- Other Banking-type Intermediaries
- Offices of Chartered and Certified Accountants
- Restaurants, Licensed
- Take-Out Food Services
- Self-Serve Laundries and/or Dry Cleaners



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**A.L. Georgieff, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**Proposal

The proposal is to rezone the subject lands to modify the existing "M-13" zoning to allow a number of additional commercial uses.



### Surrounding Development

It should be noted that similar zoning modifications have been approved in the vicinity of the subject lands, along Stone Church Road East.

- 1185 Stone Church Road East (By-law No. 85-84)

Modification to the "M-13" District to permit a miniature golf centre.

- 1221 Stone Church Road East (By-law No. 89-51)

Modification to the "M-13" District to permit a car radio sales/installation establishment.

- 1249 Stone Church Road East (By-law No. 89-113)

Modification to the "M-13" District to permit a number of additional commercial uses, including: office and store machinery, wholesale; liquor store; appliance, television, radio, and stereo store; home and auto supply store; general store; hardware store; other banking-type intermediaries; insurance and real estate agency; office of accountants; office of chiropractors and osteopaths; restaurant; tavern, bar and night club; barber and beauty shop; and self serve laundry or dry cleaner.

- 1120 and 1150 Stone Church Road East (By Law No. 89-205)

Modification to the "M-14" District to permit a home design centre, containing numerous commercial uses, such as: household furniture store; furniture refinishing and repair shop; floor covering store; drapery store; other household furnishing store; lawn and garden centre; hardware store; paint, glass and wallpaper store; gift novelty and souvenir store; picture framing, retail; saunas, retail; swimming pools, retail; bank; insurance and real estate agency; and interior design service.

- 1180 Stone Church Road East (By-law No. 87-109)

Modification to the "M-14" District to permit a motor vehicle glass replacement shop and motor vehicle service.

- 1198 Stone Church Road East (By-law No. 87-333)

Modification to the "M-14" District to permit an auto repair garage.

**APPLICANT:**

William Zolis, owner.

**LOT SIZE AND AREA:**

- 33.53 m (110.0 ft.) of lot frontage on Stone Church Road East;
- 86.26 m (283.0 ft.) of lot depth; and,
- 2,892.30 m<sup>2</sup> (31,133.47 sq.ft.) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"M-13" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	Traffic Operations Centre - City of Hamilton	"M-13" (Prestige Industrial) District
to the south	Auto repair garage, mini storage/rental business, & design centre (under construction)	"M-14" (Prestige Industrial) District, modified
to the east	mini putt golf centre	"M-13" (Prestige Industrial) District, modified
to the west	vacant lands and 4 single-family dwellings	"M-13" (Prestige Industrial) District

**OFFICIAL PLAN:**

Designated "INDUSTRIAL" on Schedule "A" - Land Use Concept and within "SPECIAL POLICY AREA 11" (Light Industrial category) on Schedule "B" -Special Policy Areas. The proposed uses are not in keeping with Subsection A.2.3 - Industrial Uses. However, since the subject lands are located immediately adjacent to a commercial designation, Policy D.8.2 regarding minor adjustments can be applied:

"D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedule "B", "B-1", "B-2", "C", "D", "F", "G" and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan."

Based on the above policy, minor adjustments can be made in respect of the land use boundaries shown on Schedule "A", provided that such adjustments are in keeping with the general intent of the Official Plan. As such, a minor extension of the adjacent "Commercial" designation can be permitted.

In addition, it should be noted that the Upper Ottawa Street and Stone Church Road intersection is identified as a MULTI CENTRE on Schedule "G" of the Official Plan. Multi-Centres are intended to contain a variety of land uses, combining to create a vibrant and functional focus for community life. This includes the encouragement of land uses which provide employment opportunities for residents of the community.

To conclude, the proposal complies with the intent of the Official Plan. An amendment would not be required to permit the proposal.

#### NEIGHBOURHOOD PLAN:

Designated as "MULTI-CENTRE" on the approved Mountain Industrial Area Plan, the proposal complies.

#### COMMENTS RECEIVED:

- The Building Department has advised that:
  1. If a restaurant and take-out are permitted, then S.I.C. 9212, "Restaurants, Unlicensed" shall be included.
  2. "Paint, Glass and Wallpaper Store", S.I.C. number shall be 6532."
- The Hamilton-Wentworth Engineering Department has advised that:
 

"There are public watermains and separate storm and sanitary sewers available to service these lands.

Although not specifically stated, we understand that the subject lands are shown as Part 2 on Reference plan 62R-7579.



In the absence of any details shown or grading plan submitted, we advise that any works which may occur within the Stone Church Road East road allowance, as widened, must conform to the Regions Roads Use By-law.

The Traffic Department is to comment on access width and design and manoeuvring loading space, etc. (site plans should be circulated with the application since we understand that the site plans were not circulated with the original application) in the absence of a grading plan being submitted we advise at this time that the property grades at the street line must be approximately the same as the proposed centreline elevation on Stone Church Road.

Daylight visibility triangles are required at the access points to Stone Church Road.

Since the applicant is requesting a wide range of commercial uses including some high traffic generators, the owner should be advised at this time that any roadway improvements required on Stone Church Road as a result of this development will be at the sole expense of the applicant/owner. These details will be finalized at the site plan stage."

- City Real Estate Division, Property Department has advised that:

"Our comments to your letter of April 5, 1991 are that this application should be denied since the proposed uses for this modification are commercial, which does not conform to the present zoning of the subject lands."

- Economic Development Department has advised that:

"The Economic Development Department has concerns about the additional uses made reference to in this modification to "M-13" zoning. Specifically, SIC use #9211 and #9213 would be better served in an "M-11" zoning. The continuation of these modifications is resulting in commercial strips along arterial roads in the park as opposed to the business modes concept. However, precedence may have been set with the property adjacent to the southeast corner of Stone Church and Upper Ottawa."

- The Traffic Department, Freeway Project Office, Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

#### COMMENTS:

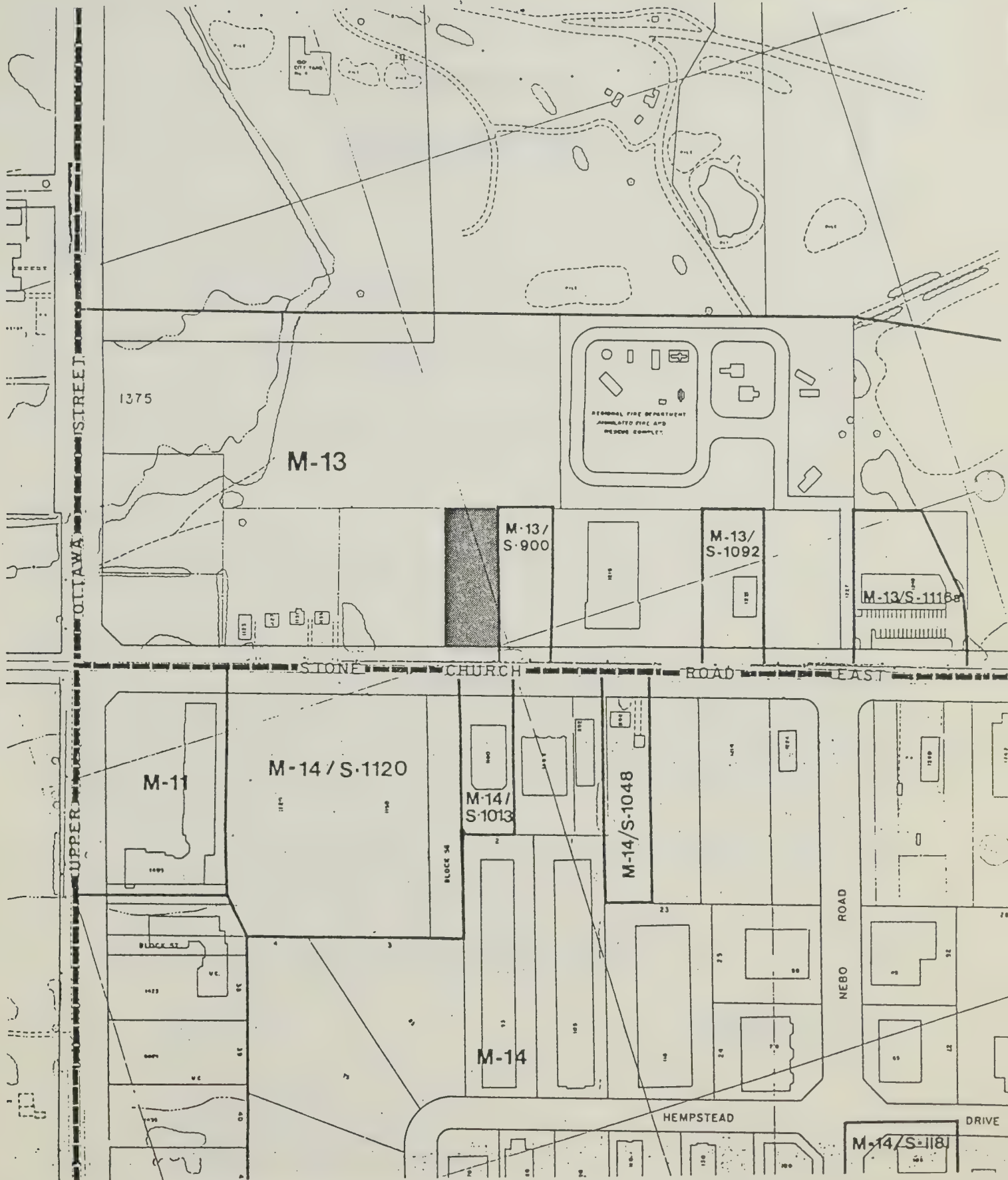
1. The proposal represents a minor extension of the "Commercial" designation located immediately to west of the subject lands, and therefore, complies with the intent of the Official Plan.

2. The proposal complies with the approved Mountain Industrial Area Plan, which designates the subject lands "Multi-Centre".
3. The proposal has merit and can be supported for the following reasons:
  - it is suitably located at a designated Multi-Centre, near the intersection of two major arterial roads;
  - the proposed commercial uses are consistent with established commercial uses and zoning modifications in the vicinity of the proposal, along Stone Church Road East;
  - the proposal would not interfere with the orderly development of the Mountain Industrial Area, and would serve the industries in the area and their personnel; and,
  - the proposal would be compatible with existing and future intended uses in the area.
4. The "M-13" (Prestige Industrial) District is subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. As such, matters such as landscaping, access, parking, grading, etc., can be reviewed during the site plan approval process.

**CONCLUSION:**

On the basis of the foregoing, the amended application can be supported.

GAW/CL-M:ma  
WPZA9125



# Legend



Site of the Application







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

19.

**DATE:** June 27, 1991  
ZA-91-29  
(Rymal Neighbourhood)

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for a Modification in Zoning - No. 90 Lancing Drive.

**RECOMMENDATION:**

That approval be given to Zoning Application 91-29, Luciano Di Marcantonio, owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations, to permit a an auto service centre (muffler replacement shop, motor vehicle transmission repair and replacement shop and other motor vehicle repair shops) and to remove the 83.5 m<sup>2</sup> restriction for offices accessory to the principle uses, for the property located at No. 90 Lancing Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F, of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
- a) That notwithstanding Section 17F(1)(b) of Zoning By-law No. 6593, the following Commercial Uses shall be permitted:

<u>Commercial Use</u>	<u>Standard Industrial Classification Code</u>
Muffler Replacement Shop	6353
Motor Vehicle Transmission Repair and Replacement Shop	6355
Other Motor Vehicle Repair Shops	6359

- b) That notwithstanding Section 17F(1)(d)(1), the gross floor area restriction for accessory offices shall not apply.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59D be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

#### **EXPLANATORY NOTE:**

The purpose of the by-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations, for the property located at No. 90 Lancing Drive, as shown on the attached map.

The effect of the by-law is to permit, in addition to the uses permitted under the "M-14" District regulations, an auto service centre (muffler replacement shop, motor vehicle transmission repair and replacement shop, and other motor vehicle repair shops), and to remove the 83.5 m<sup>2</sup> restriction for accessory office uses.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**A.L. Georgieff, M.C.I.P.**  
**Director of Local Planning**

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

#### **LOT SIZE AND AREA:**

- 35.07 m (115 ft.) of lot frontage on Lancing Drive;
- 99 m (324.8 ft.) of lot depth; and,
- 3,470 m<sup>2</sup> (37,352 sq.ft.) of lot area.



**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	industrial condominium	"M-14" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north, south and east	industrial/commercial complexes	"M-14" (Prestige Industrial) District
to the west	banquet hall	"M-12" (Prestige Industrial) District

**OFFICIAL PLAN:**

The subject lands are designated "INDUSTRIAL" on Schedule "A" and "Special Policy Area 11" on Schedule "B". The following policies apply, among others:

- "A.2.3.1     The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for industry. In this regard, industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- ii)     Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the industries and their personnel;
  - iii)     Uses which have characteristics or functional requirements similar to industries; and,
  - vi)     Public and private transportation terminals, highway and road related services (e.g., automobile service stations).
- A.2.3.14     The primary uses permitted in the Light Industrial category may include, but not be limited to: warehousing, light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants."

Based on Policies A.2.3.1 iii) and vi), the proposal does not conflict with the intent of the Plan.

### **NEIGHBOURHOOD PLAN:**

The lands are designated "RESTRICTED INDUSTRIAL" in the Mountain-Industrial Area Plan. The proposal does not conflict with the intent of the Plan.

### **RESULTS OF CIRCULARIZATION:**

- The following Departments and Agency have no comments or objections:
  - Traffic Department;
  - Real Estate Department; and,
  - Hamilton Region Conservation Authority.
- The Economic Development Department has advised that:
 

"The Department has reservations about this zoning modification similar to those expressed in comments made on Zoning Application 91-33. The proposed uses in this M-14 Prestige Industrial District would certainly be in direct competition with those businesses leasing space or who own property on Rymal Road. It is this department's belief that, in addition to reducing the industrial content of the park, these modifications penalize those automotive service centres and related uses that have established in the proper zoning on Rymal Road."
- The Hamilton-Wentworth Engineering Department has advised that:
 

"There are public watermains and separate storm and sanitary sewers available to service these lands. In the absence of any details shown, we advise that any works which may occur within the Lancing Drive road allowance must conform to the City of Hamilton Streets By-law."
- The Building Department has advised that:
 

"A mezzanine has been added, therefore changing the gross floor area.

Committee of Adjustment decision has already increased the accessory office area".

### **COMMENTS:**

- 1) The proposal does not conflict with the intent of the Official Plan and the approved Mountain Industrial Neighbourhood Plan.
- 2) The proposal has merit and can be supported for the following reasons:
  - a) The proposed automotive uses are no less feasible than other uses permitted 'as of-right' in the "M-14" District (e.g. car wash, general contractor, etc.) in that they have functional and operational characteristics similar to other industrial uses.

- b) Under the current "M" District regulations, accessory office space is restricted to 83.5 m<sup>2</sup> for the entire building regardless of the number of units. The applicant has 307 m<sup>2</sup> of office space within the industrial complex. A minor variance to permit 216.5 m<sup>2</sup> of accessory office space was previously approved by the Committee of Adjustment (A-89:310).

During the "M" District review, it was discovered that the original size restriction of 83.5 m<sup>2</sup> for accessory uses was intended to apply to an accessory dwelling unit only and not an accessory office use. However, during the drafting of By-law 83-228, the 2 accessory uses were inadvertently amalgamated; therefore, the interpretation was such that both accessory uses were restricted to 83.5 m<sup>2</sup>. Accordingly, the "M" District study proposes to eliminate the restriction on the accessory office use thereby correcting the inadvertent error.

On this basis, the unrestricted gross floor area for office space can be supported;

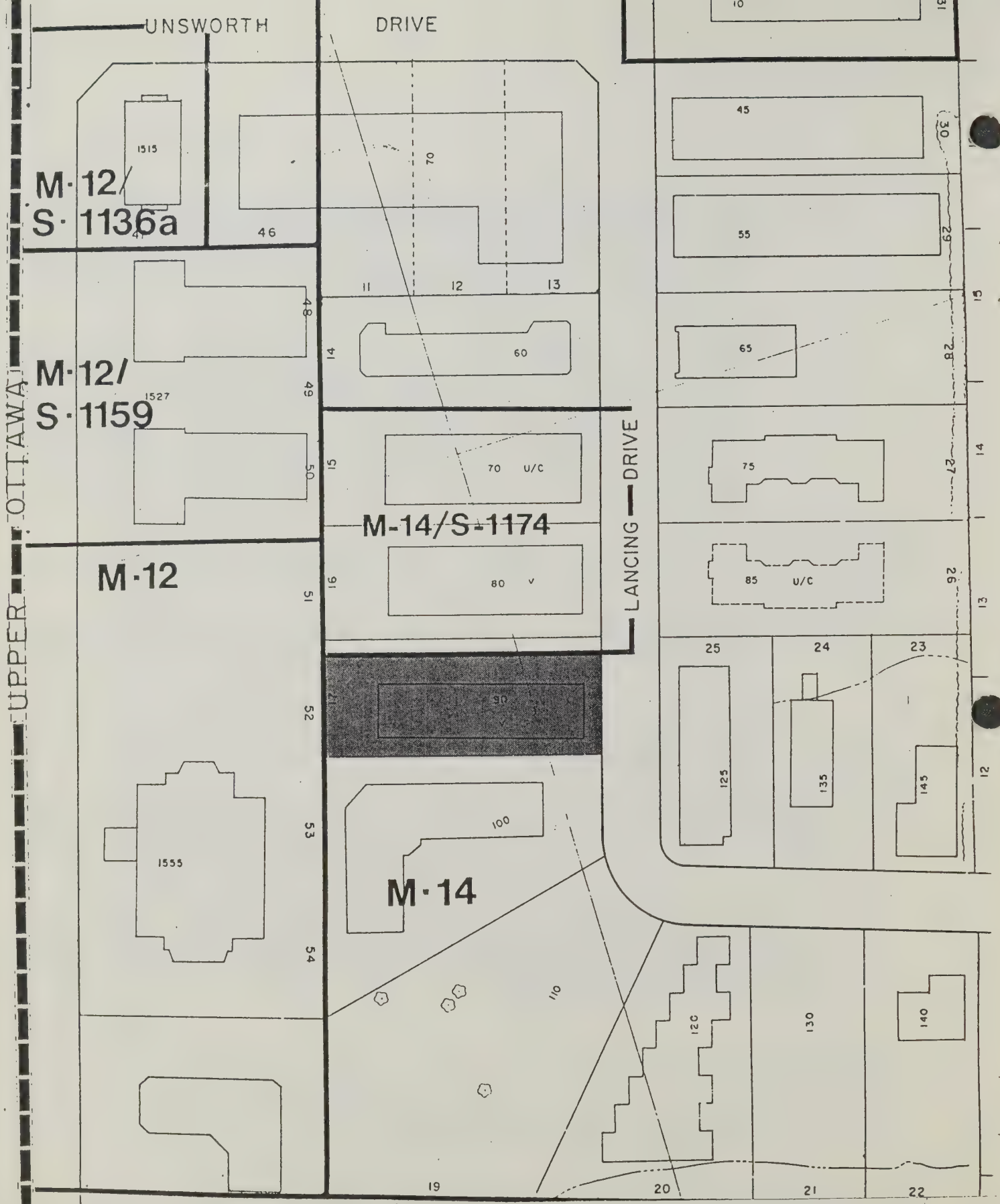
- c) An application for an auto repair garage was approved for the property at No. 220 Hempstead Drive. The use appears to have no detrimental effect on the park; and,
  - d) The proposal does not conflict with the intent of the Official Plan and the approved Neighbourhood Plan.
- 3) For the information of the Committee, as a result of a review of the uses in the "M" District, all motor vehicle repair shops are proposed to be added 'as-of-right' to the "M-12", "M-13", "M-14" and "M-15" Districts with the exception of paint and autobody repair which will be restricted to the "M-14" and "M-15" districts only.

At the present time, the inclusion of these uses in the "M" Districts is a proposal only. On June 24, 1991, an information meeting was held regarding the "M" District Study; a second meeting of the Planning and Development Committee will be held in Fall to consider the proposed amendments.

### **CONCLUSION:**

Based on the foregoing, the proposal can be supported.





# Legend



Site of the Application



APPENDIX A

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

20.

**DATE:** June 28, 1991  
ZA-91-33  
(Rymal Neighbourhood)

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for a Modification in Zoning - No. 135 Nebo Road.

**RECOMMENDATION:**

That approval be given to Zoning Application 91-33, Carlo Del Sordo, owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations, to permit a public garage and an auto body repair shop, for the property located at No. 135 Nebo Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F, of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
  - a) That notwithstanding Section 17F(1)(b) of Zoning By-law No. 6593, the following Commercial Uses shall be permitted:

<u>Commercial Use</u>	<u>Standard Industrial Classification Code</u>
Garages (General Repairs)	6351
Paint and Body Repair Shops	6352

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59D be notated S- ;

- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

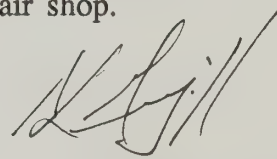
#### **EXPLANATORY NOTE:**

The purpose of the by-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations, for the property located at No. 135 Nebo Road, as shown on the attached map.

The effect of the by-law is to permit, in addition to the uses under the "M-14" District regulations, a public garage and a paint and autobody repair shop.



**J.D. Thoms, M.C.I.P.**  
*Commissioner*  
*Planning and Development Department*



**A.L. Georgieff, M.C.I.P.**  
*Director of Local Planning*

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

#### **LOT SIZE AND AREA:**

- 45.72 m (150 ft.) of lot frontage on Nebo Road;
- 137.16 m (450 ft.) of lot depth; and,
- 6,271 m<sup>2</sup> (67,500 sq.ft.) of lot area.

#### **LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	industrial building	"M-14" (Prestige Industrial) District



### Surrounding Lands

to the north, south and west	industrial/commercial complexes	"M-14" (Prestige Industrial) District
to the east	vacant land	"M-14" (Prestige Industrial) District

### **OFFICIAL PLAN:**

The subject lands are designated "INDUSTRIAL" on Schedule "A" and "Special Policy Area 11" on Schedule "B". The following policies apply, among others:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for industry. In this regard, industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the industries and their personnel;
- iii) Uses which have characteristics or functional requirements similar to industries; and,
- vi) Public and private transportation terminals, highway and road related services (e.g., automobile service stations).

A.2.3.14 The primary uses permitted in the Light Industrial category may include, but not be limited to: warehousing, light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants."

Based on Policies A.2.3.1 iii) and vi), the proposal does not conflict with the intent of the Plan.

### **NEIGHBOURHOOD PLAN:**

The lands are designated "RESTRICTED INDUSTRIAL" in the Mountain-Industrial Area Plan. The proposal does not conflict with the intent of the Plan.

## **RESULTS OF CIRCULARIZATION:**

- The following Departments and Agency have no comments or objections:

- Traffic Department;
- Real Estate Department; and,
- Hamilton Region Conservation Authority.

- The Economic Development Department has advised that:

"The Economic Development Department has concerns regarding the modification of the "M-14" zoning at the above noted municipal address. Although there exists an abundance of commercial operations on Nebo Road, the modification in zoning of this parcel continues to weaken the industrial nature of this park and further threatens the commercialization of the Nebo Road arterial. This proposed use may also infuriate those businesses which are either leasing space or purchased property on Rymal Road where costs are significantly higher."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands. In the absence of any details shown, we advise that any works which may occur within the Nebo Road road allowance must conform to the City of Hamilton Streets By-law."

- The Building Department has advised that:

"The S.I.C. numbers for the proposed uses are:

- 6351 General Repairs Garage
- 6352 Paint and Body Repair Shop"

## **COMMENTS:**

- 1) The proposal does not conflict with the intent of the Official Plan and the approved Mountain Industrial Neighbourhood Plan.
- 2) The proposal has merit and can be supported for the following reasons:
  - a) The proposed automotive uses are no less feasible than other uses permitted 'as of-right' in the "M-14" District (e.g. car wash, general contractors, etc.) in that they have functional and operational characteristics similar to other industrial uses.

- b) An application for an auto repair garage was approved for the property at No. 220 Hempstead Drive. The use appears to have no detrimental effect on the park.
  - c) The proposal does not conflict with the intent of the Official Plan and the approved Neighbourhood Plan.
- 3) For the information of the Committee, as a result of a review of the uses in the "M" District, all motor vehicle repair shops are proposed to be added 'as-of-right' to the "M-12", "M-13", "M-14" and "M-15" Districts with the exception of paint and autobody repair which will be restricted to the "M-14" and "M-15" districts only.

At the present time, the inclusion of these uses in the "M" Districts is a proposal only. On June 24, 1991, an information meeting was held regarding the "M" District Study; a second meeting of the Planning and Development Committee will be held in Fall to consider the proposed amendments.

**CONCLUSION:**

Based on the foregoing, the proposal can be supported.

JHE/ma  
WPZA9133





21.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** July 11, 1991  
ZA-91-06; Stipeley Neighbourhood

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms, M.C.I.P.  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification in zoning - No. 21 Lottridge Street.

**SECOND REPORT**

**RECOMMENDATION:**

1. That Zoning Application 91-06, Maria and Labros Spandonidis, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit conversion of the existing building to a two-family dwelling, for property located at No. 21 Lottridge Street, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:
  - i) it conflicts with the intent of Policy C.7.1 i) of the Official Plan in that adequate off-street parking cannot be provided;
  - ii) it is an overintensification of land use in that no on-site parking is being provided whereas two parking spaces are required. Further, the application conflicts with the intent of the Zoning By-law in that the property does not meet the minimum lot area requirement for a converted dwelling (270 m<sup>2</sup> required vs 173.11 m<sup>2</sup>). Also, an addition was constructed to increase the cubic contents of the building, contrary to Section 19(ii) of the Zoning By-law; and,
  - iii) approval of the application would encourage other similar applications which, if approved, would alter the character of the area.
2. That the appropriate staff (Law and Planning Departments) be directed to represent the City at the Ontario Municipal Board Hearing scheduled for August 21, 1991, respecting Committee of Adjustment File A-258-89.



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



A.L. Georgieff, M.C.I.P.  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Current Zoning Application

At its meeting held on May 22, 1991, the Planning and Development Committee tabled the application to the next available meeting at the request of the applicant's lawyer.

- Proposal

The applicants are requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the establishment of a two-family dwelling in the existing building which is currently vacant. The proposed dwelling units would have 66.9m<sup>2</sup> and 90.6m<sup>2</sup> of floor area. There are no legal parking spaces on the site. An addition was constructed on the building to facilitate the conversion. In addition, the applicants are requesting variances to the side and rear yards (see APPENDICES "B" and "C" for applicants submissions).

- Zoning Application 89-24 - 21 Lottridge Street

At its meeting of May 10, 1989, the Planning and Development Committee denied this application which was a request for a modification in zoning to convert the existing two-family dwelling to a three-family dwelling, on the following basis:

- "(a) it represents an intrusion of a three-family dwelling into an area occupied primarily by one and two-family dwellings;
- (b) it represents an over-intensification of use, in that the property does not meet the minimum lot area requirement for a converted dwelling. The minimum lot area requirement is 270.0m<sup>2</sup> whereas the property only has 173.11m<sup>2</sup>. Furthermore, the proposed three dwelling units, which range in floor area from approximately 35.58m<sup>2</sup> to a maximum of 52.69m<sup>2</sup>, do not provide the minimum 65.0m<sup>2</sup> of floor area for a Class A Dwelling Unit;
- (c) the cubic contents of the second floor of the dwelling were enlarged to facilitate conversion contrary to Section 19(ii) of Zoning By-law No. 6593;



- (d) Approval of the application would establish an undesirable precedent and set the stage for other land owners to convert their dwellings; and,
- (e) adequate parking cannot be provided for the proposed use. In this regard, no off-street parking is available for the current use, whereas a total of 4 off-street parking spaces are required for the proposed three-family dwelling."

City Council, at its meeting of May 30, 1989, adopted the recommendation of the Planning and Development Committee.

- Committee of Adjustment Application A-258-89 - 21 Lottridge Street

At its meeting of September 20, 1989, the Committee of Adjustment denied this application for variances from the established "C" (Urban Protected Residential, etc.) District regulations to permit the establishment of a converted two-family dwelling at No. 21 Lottridge Street. The application was denied for the following reasons:

"The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983."

The applicants have appealed the decision of the Committee of Adjustment to the Ontario Municipal Board and the hearing is scheduled for August 21, 1991.

- Committee of Adjustment Application A-64-91 - 23 Lottridge Street

This application was submitted to the Committee of Adjustment to permit the existing converted two-family dwelling to continue to be maintained with the following variances from the By-law: i) a lot area of at least 171.95m<sup>2</sup> instead of 270.0m<sup>2</sup>; and ii) there is no provision on the lot for 2 car parking spaces.

At its meeting of May 1, 1991, the Committee of Adjustment denied this application, for the following reasons:

"The Committee is of the opinion that such development is an overintense use of the lands.

The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983."

It is understood, that the applicant has appealed the decision of the Committee to the Ontario Municipal Board.

### ***APPLICANTS:***

Maria and Labros Spandonidis, owners.

### ***LOT SIZE AND AREA:***

The subject lands have:

- 8.13 m (26.67 feet) of lot frontage on Lottridge Street;
- 21.23 m (69.86 feet) of lot depth; and,
- 173.11 m<sup>2</sup> (1,863.45 square feet) of lot area.

### ***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	one and two-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	two and three-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	one and two-family dwellings	"C" (Urban Protected Residential, etc.) District

to the east

one and two-family  
dwellings

"C" (Urban Protected  
Residential, etc.)  
District

### **OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8        It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.1           In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
  - i)            Provision and maintenance of adequate off-street parking;"

The proposal represents an intrusion of a two-family dwelling into an area that is characterized by single-family homes. The applicants have advised that they are not able to provide the minimum parking required under the City's Zoning By-law. Therefore, the proposal conflicts with the intent of Policy C.7.1 i) of the Official Plan respecting the provision and maintenance of adequate off-street parking. However, if the application were to be approved, an Official Plan Amendment would not be required.

### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Stipeley Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

### **COMMENTS RECEIVED:**

- The following agency has no comment or objection:
  - Hamilton Region Conservation Authority.



- The Building Department has advised that:

- "1. The lot area is only 173.08m<sup>2</sup> instead of the required 270.0m<sup>2</sup>.
2. The second storey addition increases the cubic content which contravenes Section 19.(ii) of Zoning By-law No. 6593.
3. A two-family dwelling requires two (2) parking spaces on site.
4. The second storey rear addition does not provide the minimum 1.2m southerly side yard and the 7.5m rear yard. The proposed yards are: 0.73m southerly side yard and 7.01m rear yard.
5. The open stairway does not provide the minimum 0.8m northerly side yard and the rear yard of 6.5m. The proposed yards are 0.61m and rear yard of 5.33m.
6. A building permit approval shall be obtained from this Department to convert the existing building to a two-family dwelling."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands. Any works which may occur within the Lottridge Street road allowance must conform to the City of Hamilton Streets By-law."

- The Traffic Department has advised that:

"By not supplying the two required parking spaces on-site, there may be parking spillover onto the adjacent streets. On-street parking is already heavily utilized in this area."

#### **COMMENTS:**

1. The proposal conflicts with the intent of Policy C.7.1 i) of the Official Plan in that adequate off-street parking cannot be provided. However, if the application were to be approved, an Official Plan Amendment would not be required.
2. The proposal does not conflict with the intent of the approved Stipeley Neighbourhood Plan.
3. The proposal cannot be supported for the following reasons:
  - i) it conflicts with the intent of Policy C.7.1 i) of the Official Plan in that adequate off-street parking cannot be provided. In this regard, the Traffic Department has advised that "there may be parking spillover onto the adjacent streets. On-street parking is already heavily utilized in this area";

- ii) it is an overintensification of land use in that no on-site parking is to be provided, whereas two parking spaces are required. Further, the application conflicts with the intent of the Zoning By-law in that the property does not meet the minimum lot area requirement for a converted dwelling. The subject lot has 173.11m<sup>2</sup> of lot area whereas the By-law requires 270.0m<sup>2</sup> of lot area. Also, an addition was constructed to increase the cubic contents of the building, contrary to Section 19(ii) of the Zoning By-law; and,
- iii) approval of the application would encourage other similar applications which, if approved, would alter the character of the area.

Furthermore, the proposal conflicts with recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the property does not meet the minimum lot area requirements for a converted dwelling, and no parking spaces can be provided on site in accordance with Section 19 (Converted Dwelling Requirements) of Zoning By-law No. 6593.

- 4. As part of their submission, the applicants have stated that the building has been used as a two-family dwelling for 25 years. The Building Department has verbally advised that the building must have been used continuously as a two-family dwelling since prior to July 25, 1950 in order to be established as legal non-conforming.
- 5. For the information of the Committee, the assessment records indicate that there are six converted dwellings in this area of Lottridge Street (between Cannon Street East and King Street). The Building Department has advised that of these six converted dwellings, five are established as legal non-conforming. The sixth is 23 Lottridge Street which was recently denied variances by the Committee of Adjustment to legalize the conversion.
- 6. The request for reduction in the south side yard and rear yard for the addition and the request for the reduction in the north side yard and the rear yard for the stairway cannot be supported as the application is not being supported. However, as the variances are outstanding, relief from the yard requirements must be sought from the Committee of Adjustment.

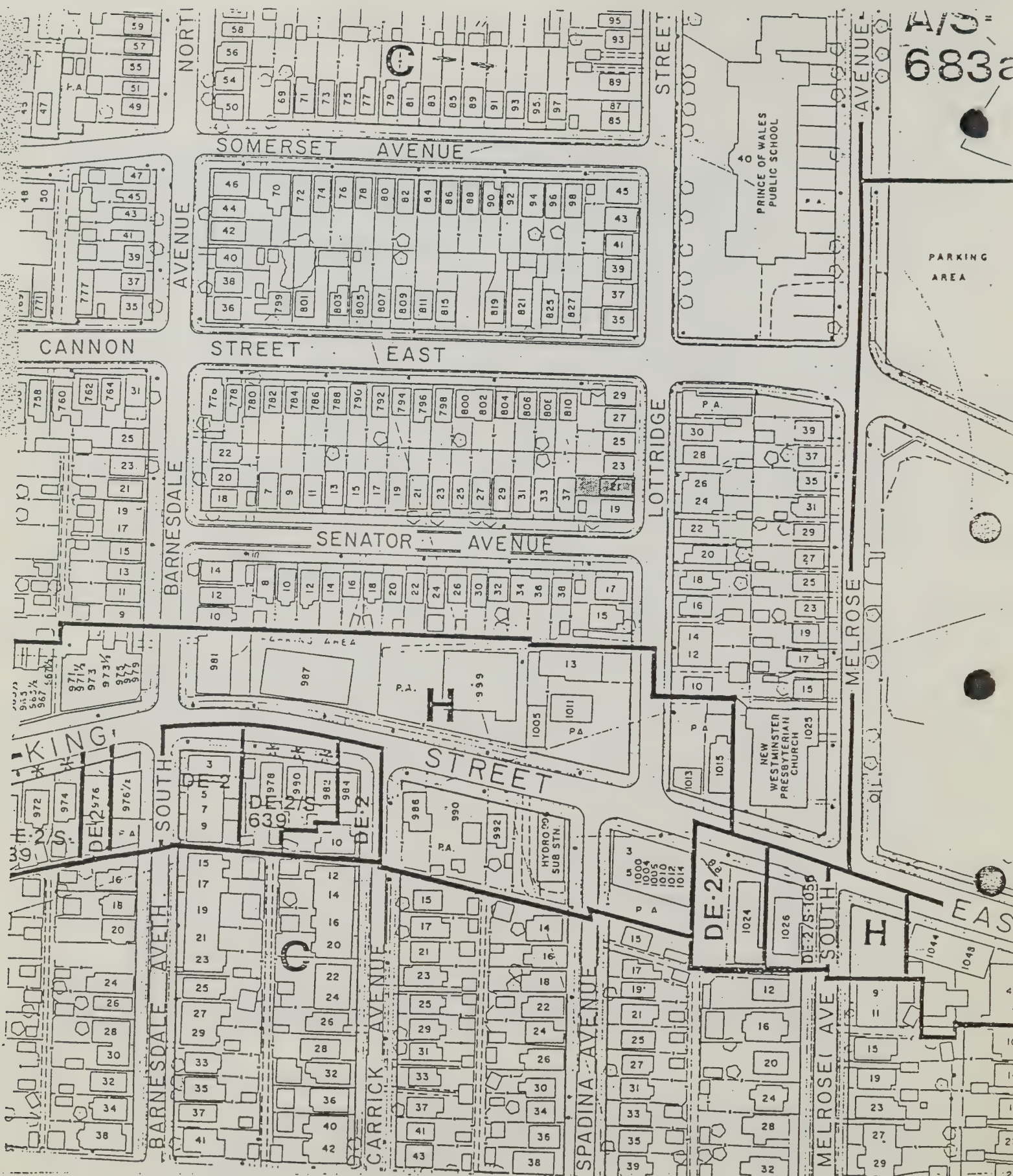
With regard to the Ontario Municipal Board Hearing scheduled for August 21, 1991 respecting Committee of Adjustment File A-258-89, it is suggested that the appropriate staff (Law and Planning Departments) be directed to represent the City at the hearing.

### **CONCLUSION:**

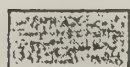
On the basis of the foregoing, the application cannot be supported.



A/S  
6832



Legend



Site of the Application

2A 91-06



APPENDIX A



SCHEDULE 'A'

SPANDONIDIS ZONING BY-LAW AMENDMENT APPLICATION  
21 Lottridge Street  
Hamilton, Ontario

---

"C" Districts, pursuant to Section 9.(1)(ii), permit a converted dwelling, containing two Class A dwelling units. However, a site specific amendment is required to exempt the subject lands from certain requirements and provisions of the Zoning By-law applicable to this property. Specifically, the amendment would include the following:-

- a) to permit the existing lot containing 173 square metres to have two dwelling units;
- b) to exempt the lot from provision of two car parking spaces;
- c) to reduce the southerly side yard to 0.73m and rear yard to 7.01m for a second storey addition;
- d) to permit the stairway and landing to be 0.61m to the north side lot line and 5.33m to the rear lot line; and
- e) to permit the second storey addition as constructed.

Please refer to Figure 1 for details.

## PART 8

### JUSTIFICATION OF REQUEST

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1. The subject property has been used and assessed for 25 years as a two-family residence, and it is situated between a two-family dwelling to the north and a three-family dwelling to the south.
2. The minimum lot area for a converted dwelling can be met by only one lot (15 Lottridge St.) of 46 lots surveyed in this area. There are 11 two-family (other than the subject lot) and 2 three-family dwellings in this area and only the nearby 15 Lottridge St. with two families meet the minimum lot area. The 2 three-family dwellings have less than the minimum lot area.
3. Other dwellings have been converted and do not have off-street parking spaces, e.g. 23 and 29 Lottridge Street. A few have converted and have front yard parking which is prohibited by the By-law. The dwellings are generally too close to each other to permit a vehicle to pass through to the rear yard. On street parking is available, however, the solution ultimately is to provide neighbourhood parking lots.
4. The addition to the second storey only reduced the existing rear yard by 2.6 feet. Since the neighbouring properties also have stairways to the second storey at the rear, the reduction in the rear yard requirement is unlikely to cause any detrimental effect. The side-yard reductions that are requested are 0.6 ft less on the north side and 1.5 ft. less on the south side. The southerly side-yard of the dwelling is 1.5 less than the minimum and the addition is in line with the southerly wall of the dwelling.

21a.

2A91-06

25 Lottudge<sup>St</sup>

Corp. of The City of Hamilton.

I am very much opposed to having  
two families in three homes that  
are so close together, <sup>Lottudge St</sup> 19, 21, 23. ~~Lottudge~~

The houses are only two feet  
apart and there is only room  
for four cars on this block.

Why don't you send one of  
your staff around and see exactly  
how things are. The street is  
beginning to look like a ghetto.

RECEIVED

JUL 9 1991

CITY CLERKS

Yours truly,  
J. Pond

JUL 9 3 1991





22.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 July 17  
ZA-91-23  
Riverdale East Neighbourhood

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

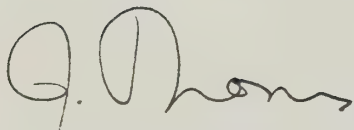
**SUBJECT:**

Request for a change in zoning - No. 141 Queenston Road.

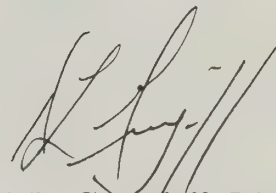
**RECOMMENDATIONS:**

- 1) That Zoning Application 91-23, 766284 Ontario Ltd. (A. Goulding), requesting a change in zoning from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Blocks "1" and "2"), and from "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "3"), to permit the development of the subject lands for a 5 storey, 50 unit apartment building, for the property located at No. 141 Queenston Road, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:
  - i) It conflicts with the intent of the Official Plan, in that the height and bulk of development would not integrate with the surrounding area, and is incompatible with the existing and proposed uses;
  - ii) It conflicts with the intent of the approved Riverdale East Neighbourhood Plan which designates the lands "Commercial-Special Provisions." In this regard, it is intended that these lands be consolidated/developed with the commercial lands fronting on Queenston Road; and,

- iii) The preliminary site plan indicates that 13 of the 89 required parking spaces (24 spaces for the commercial and 65 spaces for the residential) will be located on the Stoney Creek lands to the east. This arrangement is unsuitable in that insufficient parking will be provided on-site. Furthermore, it is contrary to the Zoning By-law which prohibits access for a commercial development within a residential district.
- 2) That the City Clerk be authorized to notify the City of Stoney Creek of City Council's decision.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**A.L. Georgieff, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

**APPLICANT:**

766284 Ontario Inc. (A. Goulding), owner.

**BACKGROUND:**

- Proposal

The applicant wishes to build a 5 storey, 50 unit apartment building on the subject lands (see APPENDIX "B").



At the present time, a portion of the lands are used for the parking lot for the plaza to the south. The preliminary site plan incorporates 24 parking spaces for the commercial development and 65 parking spaces for the apartment building.

Access to the site is between two single-family dwellings fronting on Gray Road and from the commercial development fronting on Queenston Road.

- ZA 89-77

In 1989, the applicant applied to rezone the lands from "AA" (Agricultural) and "G-3" (Public Parking Lots) Districts to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit the development of the subject lands for a 12 storey, 106 unit apartment building.

At its meeting of November 29, 1989, the Planning and Development Committee denied the application and it was denied by City Council on December 12, 1989.

#### LOT SIZE AND AREA:

The subject lands have no lot frontage on a public road. The lot area is approximately 4,906 m<sup>2</sup> (52,809.5 sq.ft.) in size.

#### LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant and parking for North Side Plaza	"AA" (Agricultural) District and "G-3" (Public Parking Lots) District

### Surrounding Lands

to the north	single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses) District
to the south	commercial	General Commercial "C-3" Zone (Stoney Creek)
to the east	single-family dwellings	Existing Residential "ER2" Zone (Stoney Creek)
to the west	vacant parcel and parking area	"AA" (Agricultural) District

### **OFFICIAL PLAN:**

The subject lands are designated "COMMERCIAL" on Schedule "A". The following policies apply:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

- i) Residential uses subject to the following provisions:
  - a) access drive and parking will be screened and/or buffered such that noise, light and undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

- b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized; and,
- c) satisfy the provisions of Subsections A.2.1 and C.7.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and
- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent low-density uses.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking; etc.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

Based on Policy A.2.1.14, the proposal does not integrate with the surrounding area given that the location of the proposed 5 storey building is surrounded by 2 to 2 1/2 storey single-family dwellings and one storey commercial buildings.

The proposal conflicts with the intent of the Official Plan. However, if the application is approved then an amendment will not be required.



## NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial-Special Provisions" in the approved Riverdale East Neighbourhood Plan. The intent of this designation is to encourage the consolidation of these lands with the commercial lands fronting on Queenston Road. A site specific redesignation from "Commercial-Special Provisions" to "Medium Density Apartments" would be required to permit the proposal.

## RESULTS OF CIRCULARIZATION:

- The following Agency has no comments or objections:

- Hamilton Region Conservation Authority;

- The Building Department has advised that:

"Zoning By-law 6593 only applies to lands within the limits of the City of Hamilton.

1. The parcel of land does not have a boundary line along a street, therefore does not have a front lot line.
2. No land or building may be used for residential purposes which does not for a distance of 4.5 m abut upon a public highway (street).
3. All the boundary lines of the land located within the city of Hamilton, in the proposed "E" zoning district for the purpose of the proposed multiple dwelling are considered side lot lines as defined.
4. The land does not have a minimum "lot width" due to the fact that there is no front lot line to establish lot width as defined.
5. A fifty (50) unit multiple dwelling requires sixty-three (63) parking spaces and one (1) 3.7m x 18.0m x 4.3m loading space.
6. The total lot area of the parcel of land being used for the development of the multiple dwelling is required to determine maximum gross floor area and minimum landscaped area.

7. The parking area requires an access driveway which provides easy access from a public driveway.
8. In an "E" district, only the parking spaces required for the multiple dwelling and abuts a driveway giving access to a street which is used only for the multiple dwelling is permitted.
9. The access driveway adjacent to the lands proposed for single-family residential shall be at least 3.0 m from the common boundary.
10. A visual barrier and a planting strip is required along the lot line adjoining the residential district to the north and west and the parking area."

• The Traffic Department has advised that:

- "1. Commercial parking for the Northside Plaza would be located on the residential land. This is contrary to the by-law, in that parking for commercial uses is not permitted in a residential zone because access to a commercial development is prohibited from a residential district.
2. The odd shape of the property makes parking for the commercial uses awkward. It is located relatively far from the entrances to the businesses. It is more likely that customers will park in the Brewers Retail parking lot which adjoins to the west and is more conveniently located than that which is provided in this application.

It should, however, be noted that, to a certain degree, this is an existing situation and it is unlikely that this condition could be altered due to the awkward shape of the property.

3. While the Stoney Creek By-law does not require the commercial plaza to supply any loading, it would seem to be practical to do so. There is no area close to the plaza to do any loading or unloading and delivery vehicles stopping in the driveways to the north and west of the plaza would be unacceptable as it would block access to the residential area.

4. The loading space for the residential use should be lengthened to 18.0 m as required by the by-law.

Thirteen of the 89 supplied parking spaces must be signed and maintained for the exclusive use of visitors for the residential uses."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

In the absence of any details being shown, we advise at this time that any works which may occur within the Gray's Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

It appears that the applicant intends to gain access to Gray's Road through lands shown as Part 2 on Reference Plan 62R-7618. Details of the access can be resolved at the site plan stage but we advise at this time that the accesses must be designed to accommodate minimum WB-15 tractor trailer design units and that adequate manoeuvring is to be provided on private property in order that these vehicles can turn around and enter Grays Road in a forward manner.

This may result in the elimination of some parking on lands leading to Grays Road and a shifting of the driveway into the middle of the 15.24 m strip to accommodate the turning radii at the driveway at Grays Road etc. We also recommend that this application and relevant site plans be sent to the City of Stoney Creek and the Ministry of Transportation of Ontario since access to Hwy. No. 8 shown on the plan and may be required by the owner and since the new access to Grays Road will be approximately 60 metres north of Hwy No. 8.

With respect to the development of lands adjacent to Block 4 of 62M-590, sufficient lands should be excluded from this development to merge with Part 4 of 62M-590 to ensure orderly development on Berkindale Avenue. The subject lands should be developed through site plan control."

- The City of Stoney Creek Planning Committee has verbally advised that they are concerned with the height of the building and the utilization of Stoney Creek lands for access.



## COMMENTS:

- 1) The proposal conflicts with the intent of the Official Plan. However, if the application is approved then an Official Plan Amendment would not be required.
- 2) The proposal does not comply with the approved Riverdale East Neighbourhood Plan. A site specific redesignation from "Commercial-Special Provisions" to "Medium Density Apartments" would be required.
- 3) The proposal cannot be supported for the following reasons:
  - a) it conflicts with the intent of both the Official Plan and the approved Neighbourhood Plan;
  - b) Commercial parking for Northside Plaza would be located on the subject lands. This is contrary to the by-law, in that parking for commercial uses is not permitted in a residential zone because access to a commercial development is prohibited from a residential district; and,
  - c) A portion of the subject lands (Block "3") was rezoned in 1983 to accommodate the bulk of the on-site parking for Northside Plaza (fronting on Queenston Road). The parking lot can accommodate 46 cars (24 spaces are required parking for the plaza and there are an additional 22 spaces). There are Development and Maintenance Agreements on the subject lands respecting this parking arrangement. Any change would require the developer to renegotiate the Agreements with Stoney Creek.

The preliminary site plan indicates that 24 parking spaces will be for the commercial development and 65 parking spaces for the apartment building (total 89). Of the 89 spaces, 13 spaces are being provided on the Stoney Creek lands to the east (see APPENDIX "B").

The 13 spaces are located on lands that are designated "RESIDENTIAL" in Stoney Creek's Official Plan, "Low Density Residential" in the Western Development Secondary Plan, and zoned Existing Residential "ER2" Zone. The location of the 13 spaces may conflict with the Official Plan and is not a

permitted use in the Zoning By-law. Furthermore, the access would be located between 2 single-family dwellings which is undesirable and may generate negative spill over effects (eg. traffic, noise).

As a result of this parking arrangement insufficient on-site parking is being provided for the commercial and residential uses.

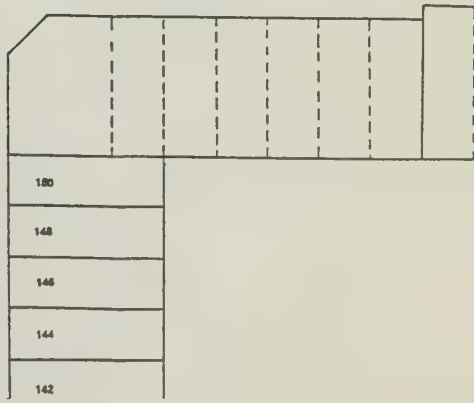
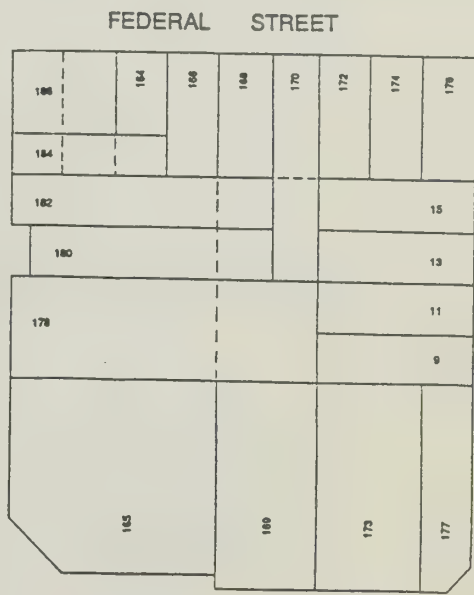
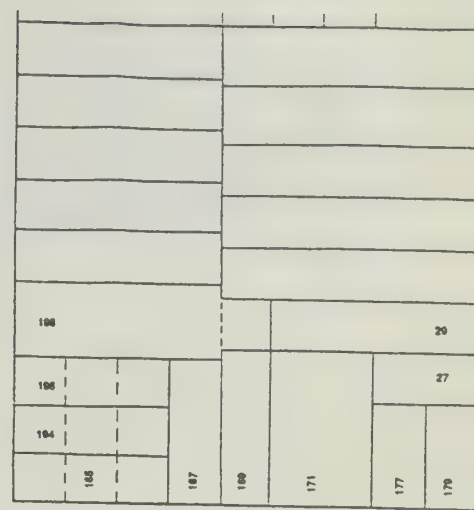
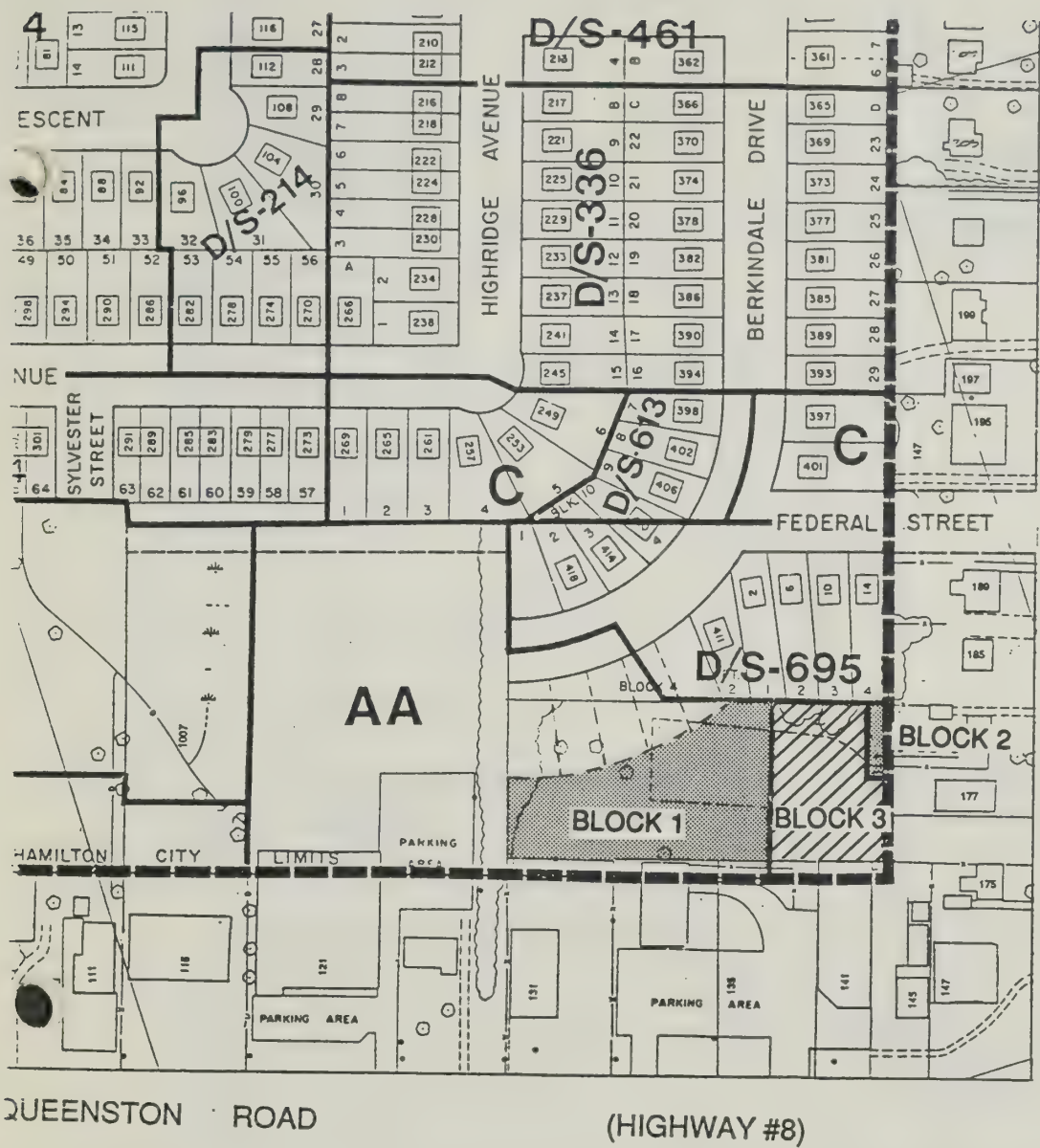
It is our understanding that the applicant has not applied to the City of Stoney Creek for the necessary amendments to the Official Plan, Secondary Plan and/or Zoning By-law to permit access and parking for the proposed development. Approval of the application would be prejudicial to the planning intentions of the City of Stoney Creek, in that the lands proposed to be utilized for access and parking are designated and zoned for residential purposes in Stoney Creek's planning documents.

#### CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma

WPZA9123

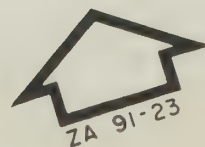


### Legend

Proposed changes in zoning from:

 BLOCKS 1 & 2  "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.

 BLOCK 3  "G-3" (Public Parking Lots) District, Modified to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.





# PRELIMINARY SITE PLAN

PART OF LOTS 5, 6 AND 8  
THE VAN VADER PLAN  
REGISTERED PLAN NO. 772  
CITIES OF HAMILTON / STONEY CREEK  
THE REGIONAL MUNICIPALITY OF HAMILTON



KEY PLAN

DEVELOPMENT DETAILS	
EXISTING LOTS	30 UNITS
EXISTING BUILDING	2450 M <sup>2</sup>
EXISTING GARAGE FLOOR AREA	2450 M <sup>2</sup>
BUILDING COVERAGE	COMMERCIAL 630 M <sup>2</sup>
PARKING REQUIREMENTS	RESIDENTIAL 13 SPACES / UNIT
RESIDENTIAL	84 SPACES
COMMERCIAL	89 SPACES
PARKING PROVIDED	

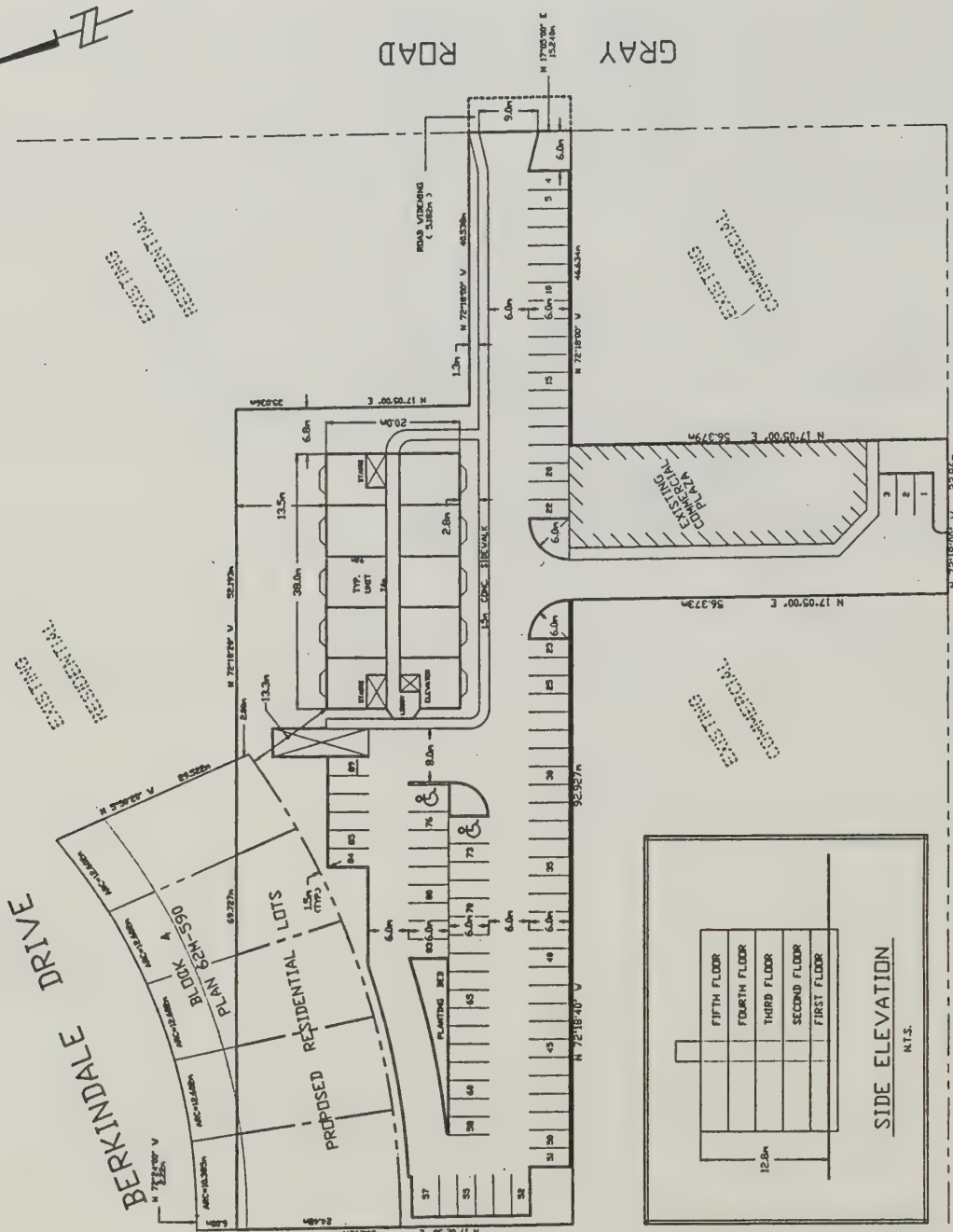
NOTES:  
MAP SOURCES: 1. PLAN 624-298  
2. PLAN 624-299

REVISIONS	
No.	Description
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**planning initiatives Ltd.**  
Professional Engineers & Planners  
100 King Street West, Suite 1000  
Toronto, Ontario M5X 1C5  
Tel: (416) 593-1111

Prepared By: JLP  
Checked By: JLP  
Designed By: JLP  
Project: 01-017

Scale: 1:1000  
Date: March 1998  
Drawing Number: 1 of 1



HIGHWAY 8 No. 8

July 3, 1991

22a.

REC

JUL 8 1991

CITY CLERKS

Ms Susan Reeder  
The Corporation of the  
City of Hamilton  
Planning and Development Committee  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Attention: Susan Reeder

Re: File # ZA-91-23

We have lived at 261 Highridge Avenue for over five years. We find your proposed zoning change (Re: File #ZA-91-23) to be totally unacceptable for a single family residential area.

Any apartment buildings in residential areas only devalue existing single family homes and make them less sellable. Furthermore with the erecting of an apartment behind our property our privacy will be gone as these apartment dwellers can view our every move whenever they want. They will also be able to look down into our bedroom windows. We find this extremely distressing as we have a backyard swimming pool and up to now have enjoyed maximum usage of our backyard during the warm months.

We have no objection to the construction of single family homes in the vicinity of our property and approve of any zoning changes for construction of single family homes.

Thank you,

*Bruce Johnstone*  
*Terry Johnstone*

Bruce and Terry Johnstone  
271 Highridge Avenue  
Stoney Creek, Ontario  
L8E 3P6

tlj/baj





23.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** June 26, 1991  
(ZA-91-27)  
Ryckmans Neighbourhood

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for removal of the 'H' (Holding) Symbol - Nos. 1405, 1411, and 1417 Upper James Street.

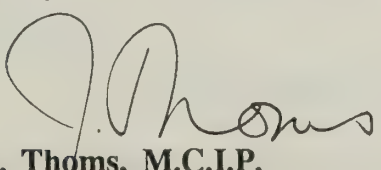
**RECOMMENDATION:**

That approval be given to Zoning Application 91-27, John Paisley in Trust, owner, requesting the removal of the 'H' (Holding) symbol under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a by-law for submission to City Council for property located at Nos. 1405, 1411 and 1417 Upper James Street, as shown on the attached map marked as APPENDIX "A".

**EXPLANATORY NOTE:**

The purpose of this By-law is to remove the 'H' (Holding) Symbol for property located at Nos. 1405, 1411 and 1417 Upper James Street. The holding provision was placed on the subject lands until such time as municipal sewers are installed. In this regard, the Hamilton-Wentworth Engineering Department has advised that public watermain and separate storm and sanitary sewers have been installed.

The effect of the By-law is to permit development of the property for future retail commercial use (e.g. hotel, restaurant, retail stores).

  
J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
A.L. Georgieff, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- By-law 89-69

At its meeting held on February 14, 1989, City Council passed By-law 89-69 which provided for changes in zoning of the subject lands at 1405, 1411 and 1417 Upper James Street from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH"-'H' (Restricted Community Shopping and Commercial) District, modified. The By-law applies the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision prohibits the development of the lands until municipal sewers are installed. Upon the installation of sewers, City Council may remove the 'H' symbol by passing an amending By-law. This By-law came into effect on March 21, 1989.

- DA-90-25

Site Plan Control Application DA-90-25 was submitted on March 26, 1990 and was withdrawn by the applicant on September 24, 1990.

- DA-90-84

On September 24, 1990 the applicant submitted a new Site Plan Control Application DA-90-84. On March 4, 1991 the application was approved. The submitted plans provide for a 2-storey retail commercial plaza, having a total gross floor area of 6,080 m<sup>2</sup> (65,446.7 sq.ft.) with 308 off-street parking spaces, 2 large loading spaces and a landscaped area of 1,375.0 m<sup>2</sup> (14,800.8 sq.ft.).

- Current Proposal

As municipal sewers are now installed the applicant is requesting removal of the 'H' holding provision applicable to the subject lands to permit development to proceed.

**COMMENTS RECEIVED:**

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper James Street is 36.58 m. As a condition of development approval, we require that sufficient lands be dedicated to the Region to establish the property line 18.29 m from the centreline of the original Upper James Street road allowance (misc. Plan No. 355). According to our records, the road widening required is 3.048 m.

In conjunction with this application, the applicant has also submitted site plan control applications DA-90-25 and DA-90-84. Any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region's Roads Use By-law.

The City Traffic Department is to comment on access location, design, etc. All other details of development, grading, setbacks etc. will be dealt with under site plan control."

#### COMMENTS:

1. The removal of the 'H' Holding Symbol can be supported as the Hamilton-Wentworth Engineering Department has advised that public watermains and separate storm and sanitary sewers are now available to service these lands.
2. With regard to the comments of the Hamilton-Wentworth Engineering Department concerning Site Plan Control Applications DA-90-25 and DA-90-84, it should be noted that DA-90-25 has been withdrawn and DA-90-84 was approved on March 4, 1991. With regard to any road widenings, encroachments, etc., these matters were dealt with at the site plan approval stage of development.

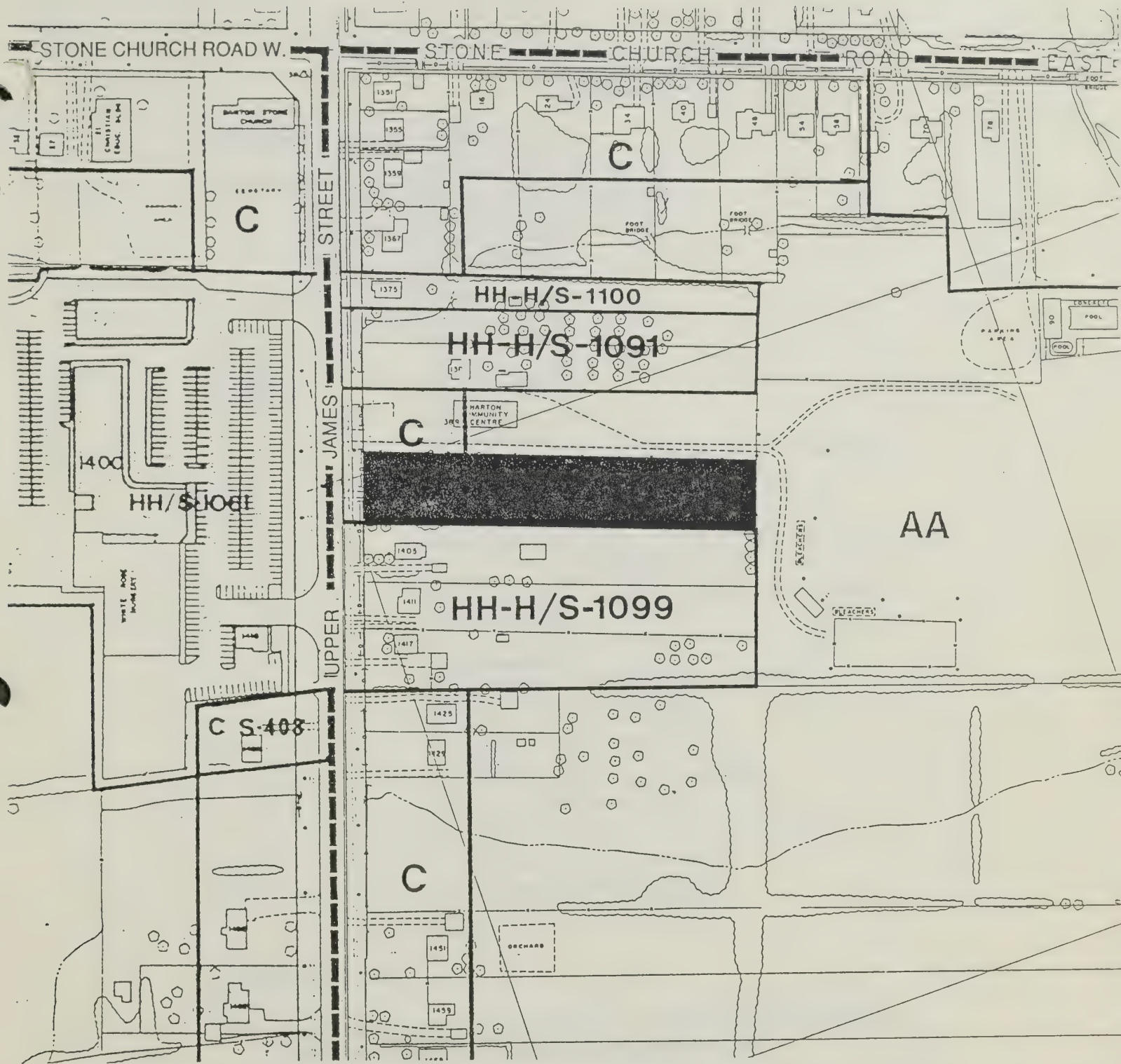
#### CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma  
WPZA9127



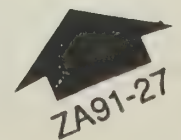




Legend



SUBJECT LANDS  
(1405, 1411 & 1417 Upper James Street)







Wednesday, 1991 June 19  
9:30 o'clock a.m.  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice-Chairman  
Mayor Robert M. Morrow  
Alderman F. Formosi  
Alderman D. Ross  
Alderman M. Kiss  
Alderman D. Wilson  
Alderman H. Merling  
Alderman W. McCulloch

Also present: Alderman T. Murray  
Alderman B. Hinkley  
Alderman J. Gallagher  
Alderman G. Copps  
Mr. G. Korz, School Trustee, Hamilton Board of Education  
Mr. A. Georgieff, Director of Local Planning  
Mr. D. Powers, Law Department  
Ms. M. Domagala, Planning Department  
Mr. M. Watson, Real Estate Division, Property Department  
Mrs. V. Grupe, Planning Department  
Mr. D. Godley, Planning Department  
Ms. J. McNeilly, Community Renewal Section, Public Works Department  
Mr. J. Robinson, Community Renewal Section, Public Works Department  
Mr. P. Lampman, Deputy Building Commissioner  
Mr. D. Vyce, Director of Property  
Mr. L. King, Building Commissioner  
Mr. R. Karl, Traffic Department  
Mr. K. Brenner, Regional Engineering  
Mrs. J. Hickey-Evans, Planning Department  
Mr. B. Allick, Building Department  
Ms. J. Pacey, Community Renewal Section, Public Works Department  
Mr. J. Sakala, Planning Department  
Mrs. N. Chapple, Planning Department  
Ms. C. Coutts, City Clerk's Office  
Mrs. Susan K. Reeder, Secretary

#### REGULAR AGENDA

2. Rental Housing Protection Act Application C.D. 90-001 to convert 58 residential apartments to residential condominiums - 222 Concession Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 11, respecting the above-noted matter. The Committee was also in receipt of submissions from the following:

- (a) Submission - Hazel D. Hunt, 222 Concession Street, Apt. 303.
- (b) Submission - Miss Linda Lowry, 222 Concession Street, Apt. 406.

Mr. Albert Faccenda and Mr. Lloyd Ripani, owners of the apartment building were in attendance.

Ms. Domagala of the Planning Department presented the staff report and outlined their reasons for recommending denial of this application.

Mr. Faccenda spoke on why the application should be approved and referred to the support of the area residents.

Mr. Monte, spokesman on behalf of the residents of the apartment building spoke and outlined the history to-date of this application and the residents view that they do not wish to see this apartment converted to condominium use. At the conclusion of his presentation, he asked if all those in attendance were in agreement and all those persons stood in support of his presentation.

Mr. Frankentini, Apartment #310, at 222 Concession Street, spoke in support of the comments made by Mr. Monte.

Mr. Ripani, co-owner of the apartment building, responded and indicated that the current tenants would not be affected and not required to purchase their units as condominiums. He added that tenants would be able to continue living in the units they presently do and changes would only enhance the building. He stressed that no one has to move. He also added that long-term leases will be provided but to the tenant's advantage, in that the tenant will not be bound to it, and can move out if they wish to. He also spoke of the age of the building (30 years) and the upcoming need for upgrades to be made and the present legislation being cost prohibitive for apartment building owners in making these upgrades.

Mr. Faccenda, co-owner, also responded and indicated that sections under the Rental Housing Protection Act are very prohibitive for any type of conversions and should be changed.

Mr. Monte presented the Clerk with numerous letters of objections from tenants in the apartment building.

The Committee then discussed this matter at some length and approved the following:

That the Ontario Rental Housing Protection Act Application No. CD90-001 for the conversion of 58 rental units to condominiums at 222 Concession Street be denied.

1. CONSENT AGENDA

A. MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

The Committee was in receipt of the minutes of their last meetings held Wednesday, 1991 May 8th and Wednesday, 1991 May 22nd and approved these minutes.

**BUILDING COMMISSIONER****B. Demolition Permit Applications**

The Committee was in receipt of numerous reports from the Building Commissioner, respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the following properties:

- (a) 718 Stone Church Road East
- (b) 60 Ofield Road
- (c) 505 Wellington Street North
- (d) 12-16 Douglas Street
- (e) 98-102 Burton Street
- (f) 358 East 43rd Street
- (g) 163 Stone Church Road East

**C. City of Hamilton Heritage Programme Applications**

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 12, respecting a City of Hamilton Heritage Programme for property at 27 Bold Street.

The Committee approved the following:

That a Designated Property Grant in the amount of one thousand, eight hundred dollars (\$1,800.00) be provided to Roshan Dharsee, 27 Bold Street, Hamilton.

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 12, respecting a City of Hamilton Heritage Programme for property at 128 St. Clair Avenue.

The Committee approved the following:

That a Designated Property Grant in the amount of one thousand, three hundred and fifty dollars (\$1,350.00) be provided to Bryan and Mary Markham, 128 St. Clair Avenue, Hamilton.

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 10, respecting a City of Hamilton Heritage Programme for property at 64 Forest Avenue.

The Committee approved the following:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000.00) be approved for 64 Forest Avenue, Hamilton, Church of the Ascension. The interest rate will be six percent, amortized over 10 years.



**D. DIRECTOR OF PROPERTY****Expropriation by the City of 19, 23 and 27 Gerrard Street and 393 Sherman Avenue North, and purchase by the City of 31 Gerrard Street. (Alpha West Residential Enclave Clearance Program.)**

The Committee was in receipt of a report from the Director of Property dated 1991 June 11, respecting the above-noted matter and approved the following:

- (a) That the City accept an "Agreement by Owner to Accept Compensation" for the properties of The Estate of Norman R. Plummer (Cinoke Investments Ltd.), executed on 1991 June 5, and scheduled for closing on 1991 November 1. The subject properties being Municipal Number 23 and 27 Gerrard Street, having a total frontage along the northern limit of Gerrard Street of 38 feet (11.58 metres), more or less, shown as Parts 1 and 2 on Expropriation Plan No. 79836, together with all structures erected thereon.
- (b) That the City accept an "Agreement by Owner to Accept Compensation" for the properties of The Estate of Norman R. Plummer (Cinoke Investments Ltd.), executed on 1991 June 12 and scheduled for closing on 1991 November 1. The subject properties being Municipal Number 19 Gerrard Street and 393 Sherman Avenue North, having a frontage along the northerly limit of Gerrard Street of 20 feet (6.096 metres), more or less, and a frontage along the westerly limit of Sherman Avenue North of 26.7 feet (8.159 metres), more or less, and known as Parts 2 and 1 respectfully on Expropriation Plan No. 70105, together with all structures erected thereon.
- (c) That an Option to Purchase the property at 31 Gerrard Street, duly executed by The Estate of Norman R. Plummer (Cinoke Investments Ltd.) on 1991 June 5 and scheduled for closing on 1991 August 19, be approved and completed. The subject property has a frontage along the northerly limit of Gerrard Street of 29.5 feet (8.99 metres), more or less, by a depth of 80.69 feet (24.59 metres), more or less, being Municipal Number 31 Gerrard Street.
- (d) That the total compensation of \$247,400.00 and the purchase price of \$25,000.00, along with all associated costs be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program) and that demolition of the structures at 19, 23 and 27 Gerrard Street and 393 Sherman Avenue North take place upon closing.

**E. COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES****Cash Payment in Lieu of 5% Parkland Dedication - "Bar-Brock Estates - Phase 3".**

The Committee was in receipt of a report from the Commissioner of Transportation/Environmental Services dated 1991 June 10, respecting the above-noted matter.

The Committee approved the following:

That the City of Hamilton accept the sum of \$40,000.00 for Bar-Brock Estates, Phase 3 as cash payment in lieu of 5% dedication in connection with this subdivision; this being the cash requirement under Section 50 of the Planning Act. This proposed subdivision is located in the Eleanor Neighbourhood bounded by Rymal Road East, Stone Church Road, Upper Sherman Avenue and Upper Gage Avenue.

**REGULAR AGENDA****BUILDING COMMISSIONER****3. Construction without a building permit - Increase in Building Permit Fee.**

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 10, respecting the above-noted matter and approved the following:

That the City Solicitor be directed to prepare an amendment to the Building Code By-law to increase the building permit fee for construction started prior to the issuance of a building permit as follows:

<u>Work Completed Prior to Permit Issuance</u>	<u>Increase in Permit Fee</u>
(a) Footings and Foundations	10%
(b) Structural framing	25%
(c) Mechanical/Electrical	50%
(d) Architectural	75%
(e) Final	100%
(f) Demolition or partial demolition	100%

**4. Building Administration Fund, Ministry of Housing, 1991 Grant Application.**

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 10, respecting the above-noted matter and approved the following:

- (a) That the Building Commissioner be authorized to make application to the Ministry of Housing for a grant of up to \$5,000.00 to implement a joint inspection programme with the Ontario New Home Warranty Programme (O.N.H.W.P.); and,
- (b) That City Council authorized the implementation on a trial basis of a joint inspection programme with the O.N.H.W.P. Total cost not to exceed \$5,000.00. The City's portion of the cost (\$5,000.00) is included in the 1991 Building Department budget as part of the required inspections under the Ontario Building Code.

**DIRECTOR OF PROPERTY****5. City repurchase from Allan Michaels Electric Ltd. - Lot 18, Plan M-227 (140 Nebo Road) - Hamilton Mountain Industrial Park No. 1.**

The Committee was in receipt of a report from the Director of Property dated 1991 June 10, respecting the above-noted matter and approved the following:

That the Corporation of the City of Hamilton repurchase the lands known as Lot 18, Plan M-227 (140 Nebo Road), Hamilton Mountain Industrial Park No. 1 from Allan Michaels Electric Ltd. at the original price of \$200,000.00 less only the Real Estate Commission of \$9,000.00, paid by the City of Hamilton to a Real Estate Agent at the time of the sale for a total price of \$191,000.00 to be charged to Account Number CH 5X307 00102 (Reserve - Property Purchases).

**REFERRAL FROM CITY COUNCIL****6. Correspondence and Petition - Rev. Burridge, representative of the Merchants of the Jamesville B.I.A. - request to disband the Jamesville B.I.A.**

The Committee was in receipt of correspondence from the Deputy City Clerk to Reverent R. W. A. Burridge, respecting the disbanding of the Jamesville B.I.A. and the petition presented to City Council. The Committee was also in receipt of a staff report from the Director of Public Works, dated 1991 June 13, recommending that the petition from the merchants of Jamesville be received and that the City of Hamilton maintain its relationship with the Jamesville B.I.A.

Ms. Jacqueline McNeilly of the Community Renewal Section, of the Public Works Department addressed the issue and spoke to the staff report.

Reverent Burridge was in attendance and spoke to the Committee with respect to the petition. He also distributed copies of a letter written by the City Solicitor of Mississauga to the Law Society of Upper Canada, complaining about the B.I.A.'s and the structure which does not allow the members of the B.I.A. to have a vote, but rather that decisions are made by City Councils.

The Committee discussed this matter at some length and it was agreed to table the petition of request for disbandment and allow the staff of the Community Renewal Section of the Public Works to continue their work in the B.I.A. prior to holding another general meeting, and that a report on the situation would come back to the Committee at that time. The Committee further agreed that there should be comments on the letters submitted from Reverent Burridge, respecting the structure of B.I.A.'s and the lack of vote by the members.

**DIRECTOR OF PUBLIC WORKS****7. Programme for Renewal, Improvement, Development and Economic Revitalization, (P.R.I.D.E.), Anti-Recession Programme, Estimates of Expenditures.**

The Committee was in receipt of a report from the Director of Public Works dated 1991 June 13, respecting the above-noted matter. Some concern was expressed by members of the Committee respecting the City's portion of \$400,000.00 and where that money would be derived from. Ms. Jacqueline McNeilly of the Community Renewal Section of the Public Works Department spoke to this matter and it was agreed that this matter would be deferred until later in the meeting, in order that Mr. D. Lobo of the Public Works Department could be brought into the meeting.

Upon Mr. Lobo's arrival, the Committee questioned him on where the \$400,000.00, the City's portion of the cost, would be derived from and it was clarified by Mr. Doug Lobo that funds from this would be generated in the deletion of all sidewalk local improvements from Ward 5 and Mountain Wards.

In light of this, the Committee agreed to table the above-noted report and directed that Ms. McNeilly of the Public Works Department work with the Public Works Department and the Treasury Department to determine if there are funds in the amount of \$400,000.00 that could be utilized for the Anti-Recession Programme and report back to the Committee on where those funds would be derived and what effect it would have.



**DIRECTOR OF LOCAL PLANNING****8. Request for comments - Amendment #36 to the Town of Ancaster Official Plan.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 10, respecting the above-noted matter.

The Committee approved the following:

That the City Clerk be directed to advise the Regional Municipality of Hamilton-Wentworth that Official Plan Amendment #36 to the Town of Ancaster Official Plan has no impact on the planning intentions of the City of Hamilton.

**9. Parkland Acquisition and Development - Revenue Producing Strategies.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 11, respecting the above-noted matter.

The Committee agreed to forward this report to the Parks and Recreation Committee along with the research done to-date on this subject, in order that this matter can be undertaken by the Consultant who will be doing the Parks Master Plan Study and looking at possible revenue producing strategies for Parkland Acquisition.

**10. Site Plan Control Application DA91-21 - for renovations to the existing Tim Horton Donuts at 435 York Boulevard.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 12, respecting the above-noted matter.

The applicants were in attendance and spoke to this and requested that an amendment be made to eliminate the requirement for pedestrian lighting as a structural requirement but rather that the applicants will work with members of the Planning staff along with Alderman Kiss, the Ward Alderman on appropriate pedestrian lighting for this area.

Accordingly, the Committee approved the following amended recommendation:

- (a) Modification to the plan in relation to notes and dimensions as marked in red on the plan;
- (b) Approval by the Committee of Adjustment for the following variances:
  - (i) To permit a 0.572m minimum yard adjacent to York Boulevard instead of the required 3.0m minimum yard;
  - (ii) To delete the requirement for a canopy as a protective structure along York Boulevard; and,
- (c) Submission of a revised site and landscape plan incorporating additional landscape in the spirit of the York Boulevard design guidelines, to the satisfaction of the Director of Local Planning, Planning and Development Department.

ZONING APPLICATIONS

11. Zoning Application 91-30, Landmart Building Corporation, owner, for changes in zoning from "L-r" and "L-mr-1" to "C" for lands on the west side of Fairington Crescent and south of Eastgate Court; Kentley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 30, respecting the above-noted matter.

A representative of Landmart Building Corporation was in attendance and spoke to his application.

The Committee then approved the following:

That approval be given to Zoning Application 91-30, Landmart Building Corporation, owners, for changes in zoning from "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Blocks "2" and "3"), to permit development for single-family dwellings, for property located on the east and west sides of Fairington Crescent and south of Eastgate Court, shown as Blocks "1", "2" and "3" on the attached map marked as Appendix "A", on the following basis:

- (a) That Block "1" be rezoned from "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District;
- (b) That Blocks "2" and "3" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-104 for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

12. City Initiative 89-G, for changes in zoning from "JJ" and "KK" to "A" for lands in the area east of Lake Avenue, between Barton Street East and the Queen Elizabeth Way; Grayside Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 31, respecting the above-noted matter.

The Committee was also in receipt of a submission from William D'Alessandro.

The Committee approved the following:

That approval be given to City Initiative 89-G, City of Hamilton, owner, for changes in zoning from "JJ" (Restricted Light Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District (Blocks "1" and "2"), and from "KK" (Restricted Heavy Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District (Blocks "3", "4" and "5"), to establish the appropriate zoning district for public open space, for City owned lands located in the area east of Lake Avenue North, between Barton Street East and the Queen Elizabeth Way, shown as Blocks "1", "2", "3", "4" and "5" on the attached map marked as Appendix "B", on the following basis:

- (a) That Blocks "1" and "2" be rezoned from "JJ" (Restricted Light Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (b) That Blocks "3", "4" and "5" be rezoned from "KK" (Restricted Heavy Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-113, E-122 and E-123 for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

13. City Initiative 91-C, for changes in zoning from "C" and "D" to "R-4" for property at 402 Upper Wentworth Street (formerly Inverness School); Inch Park Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 3, respecting the above-noted matter.

The Committee was also in receipt of an added letter of submission from Ken Stone, 133 East 17th Street.

The Committee approved the following:

That approval be given to City Initiative 91-C, City of Hamilton, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit future development for small lot single-family detached dwellings, on property located at 402 Upper Wentworth Street (formerly Inverness Public School), shown as Blocks "1" and "2" on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That Block "2" be rezoned from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-15 for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

14. Zoning Application 91-10, Hamilton Roller Gardens Ltd., owner, for a modification to the "M-13" District regulations for property at 1215 Stone Church Road East; Trenholme Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 30, respecting the above-noted matter.

The Committee approved the following:



That approval be given to Zoning Application 91-10 Hamilton Roller Gardens Limited, owner, for a modification to the "M-13" (Prestige Industrial) District regulations to permit a penny arcade (14 pin ball machines) within the existing building, for property located at 1215 Stone Church Road East, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
  - (i) That notwithstanding Section 17E(1)(c) the following accessory commercial use shall be permitted only within the existing building:
    - (1.) a penny arcade having a maximum of 14 machines.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1231, and that the subject lands on Zoning District Map E-59C be notated S-1231;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

15. Zoning Application 91-22, 627791 Ontario Inc. (J. Lebrecht), owner, for a change in zoning from "M-14" modified to "C" modified for property at 64 Ewen Road; Ainslie Wood Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 4, respecting the above-noted matter.

The Committee approved the following:

That approval be given to Zoning Application 91-22, 627791 Ontario Inc. (J. Lebrecht), owner, requesting a change in zoning from "M-14" (Prestige Industrial) District modified, to "C" (Urban Protected Residential, etc.) District modified, to permit two small lot single-family building lots, for property located at 64 Ewen Road, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the subject lands be rezoned from "M-14" (Prestige Industrial) District modified, to "C" (Urban Protected Residential, etc.) District;
- (b) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:
  - (i) That notwithstanding Section 9(4), a lot width of not less than 10.0 metres shall be permitted;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1232, and the subject lands on Zoning District Map W-46 be notated S-1232;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-46 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That the approved Ainslie Wood Neighbourhood Plan be amended by redesignating the subject lands to "Single and Double Residential".

16. Zoning Application 91-19, P. Costen and 892987 Ontario Inc. (F. Spencer), owners, for a modification to the "G" District regulations for property at 147-155 Dundonald Avenue, Rosedale Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 10, respecting the above-noted matter.

Mr. Al Fletcher, Planning Consultant, was in attendance and requested a modification to the recommendation with respect to a reduction in the required landscape size. The Committee then concurred with his recommendation for an amendment and approved the following amended recommendation:

That approval be given to Zoning Application 91-19, Patricia Costen and 892987 Ontario Inc. (Fred Spencer), owners, requesting a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations, to permit conversion of the existing building from three dwelling units and 369m<sup>2</sup> of commercial floor area to six dwelling units and 115m<sup>2</sup> of commercial floor area, for property located at 147-155 Dundonald Avenue, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
  - (i) That notwithstanding Section 13(1), a multiple dwelling containing not more than six Class "A" dwelling units shall be permitted only within the existing building;
  - (ii) That notwithstanding Section 18A(1)(a), not less than seven parking spaces shall be provided and maintained on-site;
  - (iii) That Section 18A(1)(c) shall not apply;
  - (iv) That notwithstanding Section 18A(11)(a), the northerly boundary of the parking area shall be not less than 1.2 metres away from the adjoining residential district;
  - (v) That notwithstanding Section 18A(12)(c), a visual barrier of not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained along the entire northerly and easterly lot lines;
  - (vi) That a planting strip of not less than 1.2m in width shall be provided and maintained along the easterly lot line; and,
  - (vii) That not less than 125m<sup>2</sup> of landscaped area shall be provided and maintained;

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1233, and that the subject lands on Zoning District Map E-67 be notated S-1233;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-67 for presentation to City Council; and,
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That the amending By-law not be forwarded for passage by City Council until such time as the applicants have applied for and received approval of site plans for the parking area.

17. Zoning Application 91-14, W.A. Hemstreet, owner, for a change in zoning from "C" to "HH" modified for property municipally known as 1314 Upper James Street; Jerome Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 10, respecting the above-noted matter.

The Committee was also in receipt of the following submissions:

- (a) Submission - Dr. and Mrs. Dickson, 111 Stone Church Road, East.
- (b) Petition - members of the Board, Barton Stone United Church.
- (c) Submission - Ronald Wowk, 15 Stone Church Road, East.

Mr. Hemstreet, the owner and applicant was in attendance at the meeting to speak to his application.

Mr. Thomas Lofchuk, Solicitor on behalf of the owners of property at 15 and 17 Stone Church Road East, spoke to the Committee on how this application would affect his clients property. He questioned the 6.0m landscaped area being maintained. He also expressed concerns that the Site Plan impacts on his client's property along with the application before the Committee, and doesn't want to have it tied in to the application.

Mr. Edmondson, representative of property he owns as well as a member of the Barton Stone United Church, spoke in opposition to the application. He added that the plan is unsafe with respect to the layout of the parking area and the gas bar.

Mrs. Mary Lou Dickson, 111 Stone Church Road East, spoke as a member of Barton Stone United Church, in opposition. She indicated that the building is far too close to the corner and should have a large landscaped strip in front of it.

Mr. Steward, a member of Barton Stone United Church, also spoke in opposition to the application and indicated that Upper James Street has been poorly developed all along.

Mr. Hemstreet responded and reiterated his request for approval.

The Committee agreed to approve the application with the amendment that the Site Plan would not include the properties on Stone Church Road East.

The Committee approved the following amended recommendation:



That approval be given to amended Zoning Application 91-14, W. Alex Hemstreet, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, to permit development of the subject land for a gas bar and commercial uses, for property located at 1341 Upper James Street, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
  - (i) That notwithstanding Section 14A(3)(a), a minimum 6.0 m front yard setback shall be provided and maintained from Upper James Street;
  - (ii) That notwithstanding Section 14A(3), a minimum 6.0 m southerly side yard setback shall be provided and maintained from Stone Church Road East;
  - (iii) That a landscaped planting strip of not less than 6.0 m in width, shall be provided and maintained adjacent to the entire westerly and southerly lot lines excluding any area(s) used for vehicular access;
  - (iv) That a minimum 1.5 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not higher than 2.0 m in height, shall be provided and maintained along the entire easterly lot line.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1234, and that the subject lands on Zoning District Map E-67 be notated S-1234;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-67 for presentation to City Council; and,
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (f) That the amending By-law not be forwarded for passage by City Council until such time as:
  - (i) the applicant has applied for and received approval of a site plan for the subject lands and providing for a potential future link with the adjoining lands to the north; and,
  - (ii) the approved site plan be registered on the title of the land.

18. Zoning Application 91-16, Trillium Funeral Services Corporation, owner, for a change in zoning from "G-3" modified to "E" for properties at 25 and 27 West Avenue North; Landsdale Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 6, respecting the above-noted matter.

Mr. Milton Lewis, Solicitor for the owner, was in attendance to speak in support of this application.

The Committee approved the following:

That approval be given to amended Zoning Application 91-16, Trillium Funeral Services Corp, owner, requesting the repeal of By-law No. 90-31 and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc) District regulations (Block "1"), to permit the re-establishment of the original "E" District zoning to reflect the existing residential use of the subject properties, for lands located at 25 and 27 West Avenue North, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That By-law 90-31 be repealed in its entirety;
- (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
  - (i) That notwithstanding Sections 11.(3) and (4) and Section 18.(3)(vi)(b), the location of the existing single-family dwelling (25 West Avenue North) and two-family dwelling (27 West Avenue North) at the date of the passing of the by-law shall be permitted.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1235, and that the subject lands on Zoning District Map E-13 be notated S-1235;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (f) That the approved Landsdale Neighbourhood Plan be amended by redesignating Blocks "1" and "2" from "Commercial " to "Medium Density Apartments".
- (g) That the by-law not be passed by City Council until such time as the applicant enters into an Encroachment Agreement with the City to the satisfaction of the Hamilton-Wentworth Engineering Department.

ADDED ITEM

As an added Item the Director of Local Planning outlined for the Committee the difficulties being encountered by the property owners of lands at 323 and 325 Wentworth Street North, in that they are not able to meet the condition of a lease agreement with C.N. Railway for 3 off-street parking spaces.

The Committee then approved that they would delete this requirement from the resolution and approve the following:

That Section 9(b)(i) of the Sixth Report for 1991 of the Planning and Development Committee approved by City Council on 1991 April 9th, respecting Zoning Application 89-95 for property at 323 and 325 Wentworth Street North and the condition of a lease agreement with C.N. Railway for 3 off-street parking spaces, be deleted.

ALDERMAN McCULLOCH

Alderman McCulloch introduced an Item with respect to the Custom House and the matter which had been approved by Council, subject to various conditions being met to extend a loan to Mr. Don Warrener, for the property at 51 Stuart Street (The Custom House) to be conducted as if it had met the Provincial Funded Community Heritage Trust Fund Loan Programme.

Mr. Warrener was in attendance at the meeting. It was indicated by Mr. Powers of the Law Department, that there are arrears of taxes in the amount of \$12,000.00 outstanding which generally would prevent such a loan from being extended. He also reiterated that further to documentation forwarded to Committee members, that the Director of Property is not satisfied that there is residual value in the building to recover the cost of the loan.

Considerable discussion ensued on this by the Committee and the following recommendation was approved:

- (a) That notwithstanding the arrears of taxes and the Property Department not being satisfied that there is enough residual value on The Custom House property, after registered mortgages to protect the outstanding value of the following loan, that a loan amount of \$9,500.00 be approved for Mr. Don Warrener for the property at 51 Stuart Street (The Custom House); and,
- (b) That the loan be derived from the Claims Account No. 24130 and be in accordance with the same terms and conditions that would apply to the Provincially funded Community Heritage Trust Fund Loan Programme; and,
- (c) That the loan be secured on title by a mortgage.

NOTE: Alderman Kiss opposed.

19. Housing Intensification Strategy

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 12, respecting the above-noted matter.

Mr. B. Janssen of the Planning Department presented this report and outlined the recommendations contained within it.

Mrs. Lois Brown, representative from Citizens-for-Citizens was in attendance and indicated that she is a life-long Ward 3 resident. She advised that she has experienced the erosion of her area from a single family area to a duplex/triplex community. She added that the Citizens-for-Citizens group has worked very hard to restore the original lower City to its single family beginnings.



General discussion ensued on this report by the Committee with respect to the recommendations.

Following this discussion, it was agreed that the following amendments would be made:

- (a) That Subsection (ii)(a) of Section 2, with the words at the end of the paragraph "providing the dwelling is a minimum of 20 years of age" be deleted; and,
- (b) That Subsection (ii)(b) of Section 2, be amended by deleting the words "at least one unit" and substituting in lieu thereof the words "that both units".

It was also expressed by Alderman Hinkley that he would like to have staff review and report back to the Planning and Development Committee on the possibility of incorporating into the Strategy, conditions that homes which are duplexed, triplexed, etc., are required to maintain individual and separate water controls, noise controls, heat controls, and fire protection in the conversion process. The Committee agreed that staff should undertake this review and report back to them.

It was also expressed by the Committee that all of the recommendations contained in the Strategy should be implemented as quickly as possible.

The Committee then approved the following amended recommendation with respect to Housing Intensification Strategy:

That the following Housing Intensification Strategy be adopted:

- (a) Enforcement of Illegal Units, Community Participation and Stability for Pre-1940 Areas
  - (i) That the Province be requested to fund a Pilot Project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis;
  - (ii) That in keeping with the principle of accessory units, the requirements of the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District be amended to permit a converted dwelling containing not more than two dwelling units, rather than the currently permitted three units;
  - (iii) That a programme be developed to identify and deal with illegally converted dwelling units;
  - (iv) That as part of this strategy, the Province be once again requested to undertake changes to the Building Code Act and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed;
  - (v) That the Building Department be requested to:
    - (1.) examine opportunities for a Certificate of Occupancy process for converted units, including an appropriate fee structure to cover the administrative costs;
    - (2.) continue with its vigorous enforcement of Zoning, Property Standards and Dirty Backyard By-laws, including court actions, on a complaint basis; and,

- (3.) monitor complaints and report the success of its actions to Planning and Development Committee on a regular basis.

- (vi) That the Province be requested to amend the Planning Act to clearly define "use" to include vacant units.

(b) Residential Conversions

- (i) That the Planning and Development Department be directed to pursue with the Province the possibility of enacting special legislation that will permit Zoning By-laws to regulate owner-occupancy in converted units.
- (ii) That the Zoning By-law be amended to:
  - (1.) permit one accessory apartment as-of-right in all existing single family dwellings in "AA", "B", "B-1", "B-2", "C", "R-2" and "D" Districts; and,
  - (2.) require that both units of the converted dwelling be a minimum of 65m<sup>2</sup> (700 sq.ft.); and,
  - (3.) to permit a maximum area of 50% of the front yard to be used for vehicle access, turning and parking, to protect the appearance of the street.
- (iii) That the Province be requested to reassess all converted units in Hamilton, legal and illegal, in order that appropriate taxes for these dwellings can be collected.

(c) Redevelopment, Infill, Non-Residential Conversions and Other Initiatives

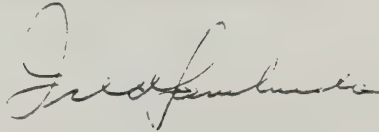
- (i) That the Zoning By-law requirement in Section 14 for the "H" classification be amended to also allow conversions of up to 10 units providing the building existed prior to 1983 March 8 and as long as the ground floor frontage remains for commercial use and meets parking requirements.
- (ii) That the Barton Street Commercial Strip be targeted as a special area for conversion and that the following initiatives be developed as part of the implementation of the Provincial Housing Policy Statement:
  - (1.) appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use; and,
  - (2.) a programme be developed by the Barton General B.I.A., Building Department and Planning and Development Department to encourage conversions.
- (iii) That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement.

- (iv) That an inventory of suitable sites for infilling, redevelopment and conversion of non-residential buildings be developed in conjunction with the work of the Regional Planning Branch and that the Regional Council be requested to include this project in the Branch's Work Programme.
- (v) That the Planning and Development Department examine other mechanisms for the provision of affordable rental housing through the Municipal Housing Statement Implementation Study and through the Regional Chairman's Task Force on Affordable Housing.
- (vi) That in the Neighbourhood Planning process, consideration should be given to the following:
  - (1.) the designation of areas where conversions can occur, regardless of the age of dwellings; and,
  - (2.) areas in which mixed residential/commercial uses can be encouraged.
- (vii) That the Province be requested to increase its allocation of non-profit and co-op units to the City of Hamilton.


**ADJOURNMENT**

There being no further business, the meeting then adjourned.

Taken as read and approved,



**ALDERMAN F. LOMBARDO, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE**



**Susan K. Reeder  
Secretary  
1991 June 19**



Monday, 1991 June 24  
7:00 o'clock p.m.  
2nd Floor Foyer, City Hall

A Public Meeting to consider the Proposed Amendments to the Official Plan and the Zoning By-law for the "M" (Prestige Industrial) District was held.

**There were present:** Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice-Chairman  
Alderman M. Kiss  
Alderman V. Formosi  
Alderman H. Merling

**Regrets:** Mayor Robert M. Morrow - City Business  
Alderman W. McCulloch - City Business  
Alderman D. Wilson - City Business  
Alderman D. Ross

**Also present:** Alderman T. Jackson  
Mr. P. Mallard, Planning Department  
Mrs. J. Hickey-Evans, Planning Department  
Mr. W. Wong, Building Department  
Mrs. Susan K. Reeder, Secretary

Mrs. J. Hickey-Evans of the Planning Department reviewed the staff report outlining the various proposals with respect to the "M" (Prestige Industrial) District uses and regulations. She also made reference to a handout placed on the chairs, respecting the Official Plan Amendment No. 276, as well as examples from the Standard Industrial Classification Manual.

She concluded by indicating that written submissions are requested up to the end of 1991 July, and that a second Public Meeting on this matter will be held in 1991 September.

The Chairman introduced members of Council who were in attendance at the meeting.

The members of the Committee then asked questions about the report to staff.

Mr. Paletta, Paletta International, 21 Brockley Drive, Stoney Creek, spoke to the Committee. He complained of the short notice about the meeting and indicated that he was unhappy about having to purchase the Study report.

Mr. Paletta then made reference to several points of concern. He indicated that the "M-12" District should allow Banks and Restaurants. He also spoke to the set-back requirements of 90 metres and questioned who they would apply to, i.e. Commercial or Industrial? He also encouraged Council to leave the sign By-law as it is, since he indicated that it is one of Hamilton's advantages in attracting businesses to the area.

Mr. Gerry Oltean, 42 Trinity Church Road, spoke to the Committee and questioned how the Study proposals will affect properties south of Highway 53, east of Glovers Road. It was indicated to him by Mrs. Hickey-Evans that presently this land is zoned "AA" and will not be touched. She added that these lands are designated for Industrial use.

Jennifer Mason, Bigwin Road, requested clarification on Anchor Road and it was clarified that it is a dead-end street.

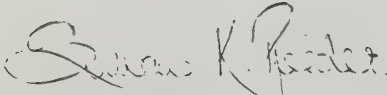
Mr. Saul Gardzia, 90 Lansing, questioned why the "M-14" District is not being recommended for amendments.

There being no further submissions from the Public, the meeting then adjourned.

Taken as read and approved,



**ALDERMAN F. LOMBARDO, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE**



**Susan K. Reeder,  
Secretary  
1991 June 24**

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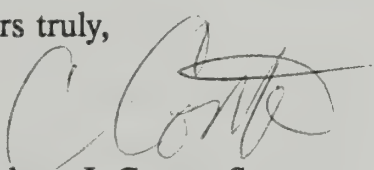
1991 August 27

Mr. J. Pavelka, Director of Public Works  
Mr. L. King, Building Commissioner  
Mr. J. Thoms, Acting Director of Economic Development - Region  
Mr. D. Turvey, Commissioner of Transportation/Environmental Services  
Attention: Mr. K. Brenner, c/o Regional Engineering Department  
Mr. M. Main, Director of Traffic Services  
Attention: Mr. R. Karl  
Ms. Diana Pasko, Planning Department  
Mr. E.G. Beres, Regional Assessment Commissioner  
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1991 July 24.

These minutes were approved by the Planning and Development Committee at its meeting held Wednesday, 1991 August 21.

Yours truly,



Charlene J. Coutts, Secretary  
Planning and Development Committee

Attch's.

- c.c.'s - M. W. B. O'Brien, Director of Transportation Services, H.S.R.  
- Mr. Paul E. Shewfelt, Board of Education  
- Mr. Douglas Kelterborn, Board of Education





Wednesday, 1991 July 24  
9:30 o'clock a.m.  
Room 233, City Hall

The Planning and Development Committee met.

**There were present:** Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice-Chairman  
Alderman V. Formosi  
Alderman D. Wilson  
Alderman M. Kiss  
Alderman H. Merling  
Alderman W. McCulloch

**Regrets:** Mayor Robert M. Morrow - City Business  
Alderman D. Ross - Regional Business

**Also present:** Alderman T. Jackson  
Alderman T. Murray  
Mr. D. Kelterborn, Board of Education  
Mr. A. Georgieff, Director of Local Planning  
Mr. B. Janssen, Planning Department  
Mr. M. Watson, Real Estate Division, Property Department  
Mr. W. Wong, Building Department  
Ms. P. Noé Johnson, City Solicitor  
Mr. L. King, Building Commissioner  
Mrs. N. Chapple, Planning Department  
Mr. K. Brenner, Regional Engineering Department  
Mr. M. Mascarenhas, General Manager, Municipal Non-Profit  
(Hamilton) Housing, c/o Community Development Offices  
Mr. G. Robis, Building Department  
Mr. B. Allick, Building Department  
Mr. D. Godley, Planning Department  
Mr. R. Karl, Traffic Department  
Ms. J. McNeilly, Community Renewal, Public Works Department  
Mr. P. Mallard, Planning Department  
Mr. L. Lanza, Regional Planning Department  
Mrs. Susan K. Reeder, Secretary

## **A G E N D A**

### **1. Consent Agenda.**

### **A. MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE**

The Committee was in receipt of the minutes of their last meetings held Monday, 1991 June 24th and Wednesday, 1991 June 19th and approved these minutes.

### **B.-E. BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS**

The Committee was in receipt of reports from the Building Commissioner, respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the following properties:

1. (a) 780 Upper Paradise Road.  
(b) 493 Rennie Street.  
(c) 485 Beach Boulevard.  
(d) 443 Woodward Avenue.

**F. BUILDING COMMISSIONER - COMMERCIAL FACADE LOAN PROGRAMME**

The Committee was in receipt of a report from the Building Commissioner dated 1991 July 16, respecting the above-noted matter and approved the following:

2. That a Commercial Facade Loan, in the amount of fifteen thousand dollars (\$15,000.00) be approved for 259 Ottawa Street North, Ted & John Culshaw (A & B. Catering). The interest rate will be 4-7/16 percent, amortized over 10 years.

**G.-J. BUILDING COMMISSIONER - COMMUNITY HERITAGE TRUST FUND**

The Committee was in receipt of reports from the Building Commissioner, respecting the above-noted matter and approved the following:

- 3.(a) That a repayable loan under the Community Heritage Trust Fund in the amount of eight thousand, and eighty dollars (\$8,080.00) be approved for Heinz Ollesch, 172-176 Locke Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
  - (b) That a Designated Property Grant in the amount of three thousand dollars (\$3,000.00) be provided to Heinz Ollesch, 172-176 Locke Street South, Hamilton.
- 4.(a) That a repayable loan under the Community Heritage Trust Fund in the amount of three thousand, eight hundred and eighty-eight dollars (\$3,888.00) be approved for Jane & Paul Rigby, 74 George Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
  - (b) That a Designated Property Grant in the amount of three thousand dollars (\$3,000.00) be provided to Jane & Paul Rigby, 74 George Street, Hamilton.
- 5.(a) That a repayable loan under the Community Heritage Trust Fund in the amount of four thousand, five hundred and eighty-three dollars (\$4,583.00) be approved for Joan & Agnes McAllister, 72 George Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
  - (b) That a Designated Property Grant in the amount of three thousand dollars (\$3,000.00) be provided to John & Agnes McAllister, 72 George Street, Hamilton.
- 6.(a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, three hundred and nineteen dollars (\$2,319.00) be approved for Jane & Paul Rigby, 260 MacNab Street North, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
  - (b) That a Designated Property Grant in the amount of two thousand, three hundred and nineteen dollars (\$2,319.00) be provided to Jane & Paul Rigby, 260 MacNab Street North, Hamilton.



**K.-L. COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES -  
CASH PAYMENT IN LIEU OF 5% PARKLAND DEDICATION**

The Committee was in receipt of reports from the Commissioner of Transportation/Environmental Services, respecting the above-noted matter and approved the following:

7. That the City of Hamilton accept the sum of \$22,300.00 for Edan Heights Phase One as cash payment in lieu of 5% dedication in connection with this subdivision; this being the cash requirement under Section 50 of the Planning Act. This proposed subdivision is located in the Butler Neighbourhood bounded by Rymal Road East, Stone Church Road, Upper Sherman Avenue and Upper Wentworth Street on the east side of Acadia Drive.
8. That the City of Hamilton accept the sum of \$18,150.00 as cash payment in lieu of 5% land dedication in connection with "Crerar Place", and the sum of \$55,900.00 as cash payment in lieu of 5% land dedication in connection with "South Hill - Phase 1" Hamilton, these being the cash requirements under Section 50 of the Planning Act. The lands of "Crerar Place" are located north of Stone Church Road East and west of Upper Wentworth Street in the Crerar Neighbourhood. The lands of South Hill -Phase I are located south of Rymal Road West and west of Upper James Street in the Kennedy East Neighbourhood.

**M. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE -  
Designation - Zion United Church.**

The Committee was in receipt of a report from the Secretary of L.A.C.A.C. dated 1991 June 28, respecting the above-noted matter and approved the following:

- (a) That approval be given to the "Intent to Designate" Zion United Church at 69 Pearl Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto and marked as Appendix "A"; and,
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

**N. MANAGER OF PURCHASING - Landscaping and Construction of Park Maintenance Building, Stipeley/Crown Point West P.R.I.D.E., Phase 2.**

The Committee was in receipt of a report from the Manager of Purchasing dated 1991 July 19, respecting the above-noted matter and approved the following:

That a purchase order be issued to P.L.C. Construction, Hamilton, in the amount of \$55,508.39 including all taxes being the lowest of five (5) quotations received, to landscape and construct a park maintenance building, Stipeley/Crown Point West P.R.I.D.E. Phase 2, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed through Stipeley/Crown Point West P.R.I.D.E. Account No. CF5200 428902002.

O. DIRECTOR OF PUBLIC WORKS - Confirmation of action taken in removing an Information Kiosk located at the north/west corner of John and King William Streets.

The Committee was in receipt of a report from the Director of Public Works dated 1991 July 9, respecting the above-noted matter and approved the following

That City Council confirm the action of the Public Works Department in removing the information kiosk located at the north west corner of John and King William Streets abutting the Windsor Hotel at an approximate cost to the Department of \$400.00.

REGULAR AGENDA

2. ALDERMAN M. KISS - Kirkendall/Strathcona Neighbourhood Association - The Roundhouse.

Alderman Kiss spoke to the Committee respecting the former maintenance facility on the C.P. Rail property, popularly known as the Round House. Pictures of the Round House, a map on its location and newspaper articles about it were distributed to members of the Committee. Mrs. Nina Chapple, Architectural Historian, Planning Department, also spoke to the Committee respecting this property.

Following discussion on this matter, the Committee approved the following recommendation:

- (a) That representatives from L.A.C.A.C. be authorized to meet with C.P. Rail to request a 3 month delay in the demolition of the former maintenance facility on their property on Aberdeen Avenue, popularly known as "the roundhouse" for the purpose of preserving this building; and,
- (b) That representatives from L.A.C.A.C. be authorized to contact the appropriate Provincial Government Ministry Officials to discuss the possibility of adapting "the roundhouse" for use as the Provincially proposed Workers' Museum.

BUILDING COMMISSIONER

3. Emergency Loan Programme extension.

The Committee was in receipt of a report from the Loans Division of the Building Department dated 1991 July 2, respecting the above-noted matter and approved the following:

That the City of Hamilton's Emergency Loan Programme be amended to include, as an eligible expense, the installation of recycled equipment for the disabled.

4. Amendment to Administrative Charges.

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 28, respecting the above-noted matter.

Alderman Merling spoke to this and requested that the amounts for a combined certification of Zoning Verification and Property Report be increased from the recommended amount of \$70.00, to an amount of \$80.00. The Committee then approved the following amended recommendation:

That the Building Commissioner be authorized and directed to collect the following amended administrative charges:

- (a) Combined Certification of Zoning Verification  
and Property Report ..... \$80.00
- (b) Property Plans (Microfiche):
  - For Single Family ..... \$10.00
  - For Others ..... \$40.00

5. Demolition - 105 Aberdeen Avenue, (Information on status)

The Committee was in receipt of an Information Report from the Building Commissioner, respecting the above-noted matter.

Some discussion ensued on this with a verbal report as well from the Building Department's staff. The Committee agreed to receive this report for information.

DIRECTOR OF PUBLIC WORKS

6. Programme for renewal, improvement, development and economic revitalization (P.R.I.D.E.) Anti-Recession (previously tabled).

The Committee was in receipt of a report from the Director of Public Works dated 1991 July 9, respecting the above-noted matter.

Ms. J. McNeilly of the Community Renewal Section of the Public Works Department spoke to this matter and indicated that the City's share of \$400,000.00 would be funded from existing 1991 Capital Budget Accounts for projects which have already been scheduled for reconstruction in those areas designated as Community Improvement Project and Redevelopment Areas. The Committee then approved the following recommendation:

- (a) That the eight hundred thousand dollars (\$800,000.00) for the P.R.I.D.E., Anti-Recession Programme previously approved by City Council on 1991 March 26 be allocated on the following:

Wheelchair Ramps	\$200,000.00
Hard Service Treatment to Kelly and Elgin Streets in the Central/Beasley Neighbourhood	100,000.00
Trees and Grates	100,000.00
Sidewalk Reconstruction	<u>400,000.00</u>

Total \$800,000.00

- (b) That the City's portion of the Anti-Recession Programme in the amount of four hundred thousand dollars (\$400,000.00) be funded from existing 1991 Capital Budget accounts for projects which were already scheduled for reconstruction in those areas designated as Community Improvement Project and Redevelopment Areas as defined in the Planning Act and approved by the Ministry of Municipal Affairs for expenditure of the grant funds.



**DIRECTOR OF PROPERTY****7. Ground Lease Amending Agreement - Lloyd D. Jackson Square - 4th Phase Loading Dock.**

The Committee was in receipt of a report from the Director of Property dated 1991 July 10, respecting the above-noted matter and approved the following:

- (a) That the City enter into a Lease Amending Agreement dated 1987 September 2, with Fourth Phase Civic Square Limited as "Lessee" and Yale Properties Limited as "Guarantor" in the form attached hereto as Appendix "B" which amends the Ground Lease between the parties hereto dated 1981 June 1, and confirms the location of the loading dock as constructed adjacent to the Copps Coliseum Truck Tunnel and servicing Fourth Phase Jackson Square and the Sheraton Hamilton Hotel, amends the references and description of the loading dock, and confirms provisions relating to the leasing of an access corridor to the loading dock by Fourth Phase to the Sheraton Hamilton Hotel.
- (b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

**8. Sale of City-owned land at 10, 12, 14, 24 Gerrard and 221 Brant Street to Philip Enterprises Inc. and termination of lease for 10, 12, 14, 24 Gerrard with Philip Enterprises.**

The Committee was in receipt of a report from the Director of Property dated 1991 July 16, respecting the above-noted matter and approved the following:

- (a) That an Offer to Purchase executed by Philip Enterprises Inc., on 1991 July 5, and scheduled for closing on or before 1991 September 20, for the purchase of owned land being Firstly: Lot 34, Plan 471 having a frontage on the southerly limit of Gerrard Street of 8.13 metres (26.67 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 198.21 square metres (2,133.6 square feet) more or less, known as Municipal No. 10 Gerrard Street, Hamilton, Ontario.

Secondly: Lot 35, Plan 471 having a frontage on the southerly limit of Gerrard Street of 7.315 metres (24 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 178.36 square metres (1,920 square feet) more or less, known as Municipal No. 12 Gerrard Street, Hamilton, Ontario.

Thirdly: Part of Lot 36, Plan 471 having a frontage on the southerly limits of Gerrard Street of 7.315 metres (24 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 178.368 square metres (1,920 square feet) more or less, known as Municipal No. 14 Gerrard Street, Hamilton, Ontario.

Fourthly: Part of Lots 40 and 41, Plan 471, having a frontage on the southerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 141.2 square metres (1,520 square feet) more or less, known as Municipal No. 24 Gerrard Street, Hamilton, Ontario.

Fifthly: Part of Lots 71 and all of Lot 72, Plan 471 or more specifically Part 7 on Plan 62R-10240, having a frontage along the northern limit of Brant Street of 9.144 metres (30 feet) more or less, by a depth of 24.38 metres (80 feet) more or less, containing an area of 223.0 square metres (2,400 square feet) more or less, known as Municipal No. 221 Brant Street, Hamilton, Ontario. The purchase price is \$268,950.00. A deposit cheque in the amount of \$26,985.00 is being held by the City Treasurer pending Council approval with proceeds to be credited to Account Number CF4402 308750001 (Land Sales - Enclave Clearance Program), be approved, and further;

- (b) That the lease with Philip Enterprises Inc., for the City owned lands at 10, 12, 14 and 24 Gerrard Street be terminated on the date of closing of the purchase of these lands by Philip Enterprises Inc.

#### REQUEST FROM CITY COUNCIL

9. City Initiative to rezone City-owned property at 1100 Limeridge Road East.

The Committee was in receipt of a request from City Council respecting the above-noted matter and approved the following recommendation:

That the Planning and Development Committee be requested to initiate a rezoning of the parcel of land known municipally as 1100 Limeridge Road East to permit the development of a 57 unit senior citizens low-rise apartment building.

#### RESOLUTIONS

10. Co-Operative Housing Federation of Canada - continuation of government sponsored non profit co-op housing.

The Committee was in receipt of correspondence from the Co-Operative Housing Federation of Canada dated 1991 June 17, respecting the above-noted matter. The Committee was also in receipt of a report from the General Manager of the Housing Department dated 1991 June 25, commenting on this resolution and recommending that if the Committee wished to endorse the resolution, that they should amend it by deleting the wording in the last sentence "without economic or social barriers" to be replaced by the words "low and moderate income Canadians". Mr. Mark Mascarenhas, General Manager of the Housing Department, spoke briefly to the Committee with respect to his report and his recommendation and the Committee approved the following resolution with his recommended amendment:

That the City of Hamilton endorse the following amended resolution of the Co-Operative Housing Federation of Canada which deletes the words "without economic or social barriers" and inserts in lieu thereof the words "low and moderate income Canadians".

WHEREAS many Canadians experience serious housing problems; and

WHEREAS the Federal Non-Profit Co-operative Housing Program is the last direct non-profit housing program funded by the Government of Canada; and

WHEREAS a 1990 evaluation conducted by the Canada Mortgage and Housing Corporation has shown co-op housing to be highly successful in creating healthy mixed-income communities; and

WHEREAS co-operative housing is an important alternative for the 38% of Canadians who are not homeowners; and

WHEREAS the index-linked mortgage, introduced in Canada by the co-op housing sector, has substantially reduced the cost to the government of producing non-profit co-op housing;

BE IT RESOLVED THAT the City of Hamilton ask the Government of Canada to commit itself to sponsoring at least 5,000 new non-profit co-op housing units a year and that its co-op housing program allow for access to co-operative housing by all low and moderate income Canadians.

11. City of Scarborough - Second Units: Requested Provincial Government Action.

The Committee was in receipt of correspondence from the City of Scarborough, respecting the above-noted matter. The Committee was also in receipt of a report on this resolution from the Commissioner of Planning and Development dated 1991 July 10.

The Director of Local Planning spoke to the Committee with respect to this resolution and his recommendation to the Committee was to take no action but receive this resolution for information. The Committee then approved the following recommendation:

That the resolution from the City of Scarborough attached hereto and marked Appendix "C", respecting a request for Provincial Government action on second units, be received.

REQUEST FOR COMMENTS

12. Regional Chairman's Task Force on Affordable Housing.

The Committee was in receipt of a request from the Chairperson of the Regional Chairman's Task Force on Affordable Housing dated 1991 June 21, requesting comment on their recently published final report. The Committee was also in receipt of a report on this Task Force document from the Commissioner of Planning and Development dated 1991 July 17. The Director of Local Planning outlined his Department's concerns with respect to a few of the items included in the Task Force Report and following some discussion on this matter, the Committee approved the following:

- (a) That the comments contained in the Staff report reviewing the "Final Report of the Regional Chairman's Task Force on Affordable Housing", attached hereto and marked as Appendix "D", be endorsed; and,
- (b) That the Chairman's Task Force on Affordable Housing and Regional Council be so advised of City Council's endorsement.

COMMISSIONER OF PLANNING AND DEVELOPMENT

13. Proposed Official Plan Amendment and Rezoning, south side of Spring Gardens Road (former Easterbrook Property), City of Burlington.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 10, respecting the above-noted matter and approved the following:

That the City Clerk be directed to inform the City of Burlington that the City of Hamilton does not object to the proposed Official Plan Amendment and rezoning for the lands located on the south side of Spring Gardens Road, City of Burlington.



14. Authorization for Public Meeting - Carter Square Neighbourhood Plan Amendment, Beasley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 18, respecting the above-noted matter and approved the following:

- (a) That the Planning and Development Committee authorize a public meeting on the proposal for a Neighbourhood Plan Amendment in the Beasley Neighbourhood; and,
- (b) That the Planning and Development Committee endorse the establishment of a Committee consisting of two representatives each from the Central/Beasley Citizen's Advisory Committee, C.A.P.I.C., Ferguson Avenue Streetscaping Committee and the Urban Design Committee as well as other stakeholders to provide input into the Neighbourhood Plan Review; and,
- (c) That findings of this Neighbourhood Plan amendment be incorporated into the Central/Beasley Neighbourhood Plan review, scheduled for initiation this fall.

ZONING APPLICATIONS

15. Zoning Application 89-105, Di Cenzo Construction, owner, for a change in zoning from "AA" to "C" for land in the area north of Rymal Road East and west of Upper Gage Avenue; Eleanor Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 8, respecting the above-noted matter.

A representative from A. J. Clarke & Associates was in attendance on behalf of the owner to speak to their Zoning Application.

The Committee approved the following:

That approval be given to Zoning Application 89-105, DiCenzo Construction, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for lands located in the area north of Rymal Road East and west of Upper Gage Avenue, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

16. Subdivision Application 25T-88037 and Zoning Application 91-21, Rymal Gardens Inc., owner, for a change in zoning from "C" to "R-4" and "RT-20" for land in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street; Chappel West Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 15, respecting the above-noted matter.

Report of the circularization was given as follows:

31 notices sent      2 in favour    0 opposed

The Solicitor for the applicant was in attendance and gave a lengthy presentation on why their application should be approved. He also distributed a submission document with respect to their request for approval.

The Committee was in receipt of submissions from the following:

- (a) Hamilton Board of Education
- (b) Trans Canada Pipeline

Considerable discussion ensued on this matter and the Committee approved the following:

- (A) That Zoning Application 91-21, Rymal Gardens Inc. (Vincent DeBenedictis, President), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District (Block "2"), to permit "small lot" single-family dwellings on Block "1" and townhouses on Block "2", for property located in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street, as shown on the attached map marked as Appendix "F", be denied, for the following reasons:
  - (a) It conflicts with the intent of the approved Chappel West Neighbourhood Plan which designates Block "2" on the attached Appendix "F" for "Single and Double" residential use;
  - (b) Approval of the proposed townhouse development would encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and alter the character of the area;
  - (c) Approval of the proposed townhouse development would result in the establishment of townhouses along both sides of the proposed extension of Upper Wentworth Street in the area south of Rymal Road East, except for a small park site, which represents an overintensification of use. In this regard, the proposed townhouse development would yield more than twice the density proposed by the Chappel West Neighbourhood Plan for this Block of land, (approximately 85 units as opposed to only 34 units, provided by the draft approved plan of subdivision.)
- (B) That the revised Subdivision Application Plan "The Gardens of Rymal", Rymal Gardens Inc., owner, under Regional File No. 25T-88037 showing blocks for townhouse development, be denied.

17. Zoning Application 91-20, F. Manganiello (In Trust), owner, for a change in zoning from "L-mr-2" to "H" for properties at 87, 89, 91, 93, 95 Wellington Street North and 216 Wilson Street; Beasley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 28, respecting the above-noted matter.

The Committee was also in receipt of a letter of submission from William Kieswetter, Property Manager, Freure, owners of property at 82-90 Wellington Street North.

Report of the circularization was given as follows:

866 notices sent      40 in favour      6 opposed

The owner spoke to the Committee with respect to his frustration at his attempts to run a business in Hamilton and requested consideration of approval of his application.

The Committee discussed this and made the following denial recommendation:

That Zoning Application 91-20, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District modified, to construct a two-storey office building having a gross floor area of 632 m<sup>2</sup>, for property located at 87, 89, 91, 93 and 95 Wellington Street North and 216 Wilson Street, as shown on the attached map marked as Appendix "G", be denied for the following reasons:

- (a) It does not comply with the intent of the Official Plan and conflicts with the intent of the approved Beasley Neighbourhood Plan which designates the land for "High Density Apartments";
- (b) It conflicts with the intent of the Zoning By-law, in that the "L-mr-2" District functions as a holding zone for future medium and high density multiple residential dwellings. The "L-mr-2" District regulations clearly delineate those zoning districts to which an "L-mr-2" zoned property can be rezoned (i.e. "E", "E-1" and "E-3"). The requested "H" District is contrary to the intent of the "L-mr-2" holding zone;
- (c) Most of the adjoining lands are either being used for residential purposes or are designated for residential purposes. The proposed office building would be incompatible with the land uses existing/proposed in the area;
- (d) Approval of the application would set an undesirable precedent and may encourage other similar applications which, if approved, would undermine the intent of the zoning by-law and alter the character of the area; and,
- (e) It conflicts with the position of City Council, adopted 1990 April 10, to deny the application to permit the development of the lands for commercial purposes.



18. Zoning Application 91-25, W. Zolis, owner, for a modification to the "M-13" District regulations for property at 1175 Stone Church Road East; Trenholme Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 11, respecting the above-noted matter.

Mr. Kozar, a representative for the owner was in attendance to speak to this application.

The Committee then approved the following recommendation:

That approval be given to amended Zoning Application 91-25, William Zolis, owner, for a modification to the "M-13" (Prestige Industrial) District regulations to permit additional commercial uses on the property located at 1175 Stone Church Road East, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 17E(1) (c) of By-law No. 6593, the following commercial uses shall be permitted:

<u>Uses</u>	<u>SIG Identification</u>
(1.) Office and Store Machinery, Equipment and Supplies, Wholesale	5791
(2.) Bakery Products Stores	6013
(3.) Appliance, Television, Radio and Stereo Stores	6221
(4.) Floor Covering Stores	6231
(5.) Home and Auto Supply Stores	6341
(6.) General Stores	6412
(7.) Hardware Stores	6531
(8.) Paint, Glass, and Wallpaper Stores	6532
(9.) Sporting Goods Stores	6541
(10.) Other Banking-Type Intermediaries	7029
(11.) Insurance & Real Estate Agencies	7611
(12.) Offices of Chartered and Certified Accountants	7731
(13.) Offices of Chiropractors and Osteopaths	8661
(14.) Restaurants, Licensed	9211
(15.) Restaurants, Unlicensed (Including Drive-Ins)	9212
(16.) Take-Out Food Services	9213
(17.) Combination Barber and Beauty Shops	9713
(18.) Self-Serve Laundries and/or Dry Cleaners	9723
(19.) Other Machinery and Equipment Rental and Leasing	9919

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1236, and that the subject lands on Zoning District Map E-59C be notated as S-1236.

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for submission to City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

19. Zoning Application 91-29, L. Di Marcantonio, owner, for a modification to the "M-14" District regulations for property at 90 Lancing Drive, Rymal Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 27, respecting the above-noted matter.

Report of the circularization was given as follows:

121 notices sent      8 in favour      3 opposed

The owners of the property were in attendance and indicated that they were in agreement with the staff recommendation to approve their application.

Mr. Ken Graham, tenant, 90 Lancing Drive, Unit 3, as well as an owner of Lot 34 Hemstreet spoke in opposition to the application. He indicated that he feels that the "M-14" permissible uses presently in effect protect them from certain types of uses, such as automotive repairs which are being recommended for approval. He indicated that he is a General Contractor and that parking at the site is very tight now and extra uses would impact on that situation. He also indicated that he is concerned at the ricochet effect this approval would have as it is his belief that automobile uses do not conform in the "M-14" district.

Jim Harvey, tenant, at 90 Lancing Drive, Unit 1, also spoke in opposition. He indicated that he is a Plumbing Contractor and has many of the same concerns about this application as Mr. Graham has. He added that he is opposed to the automobile use and that there are many empty buildings in the area now which could be better used for this type of use.

Mr. Dave Thomas, owner of property at 75 Lancing Drive, indicated that he is opposed to this application. He indicated that he is presently attempting to build a structure on his property and has run into many difficulties. He indicated that parking on the applicant's site is very tight now and that the building was made too large for the site, but legalized by adjustments. He added that the property at 90 Lancing Drive is not suitable for automobile use.

The owner of the property then responded and indicated that parking is always available on his property and that he only has 1 unit unoccupied presently. He added that he feels that the objections of this tenants are of a personal nature.

The Committee then discussed this matter and approved the application as follows:

That approval be given to Zoning Application 91-29, Luciano Di Marcantonio, owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations, to permit a an auto service centre (muffler replacement shop, motor vehicle transmission repair and replacement shop and other motor vehicle repair shops) and to remove the 83.5 m<sup>2</sup> restriction for offices accessory to the principle uses, for the property located at 90 Lancing Drive, as shown on the attached map marked as Appendix "I", on the following basis:

- (a) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F, of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 17F(1)(b) of Zoning By-law No. 6593, the following Commercial Uses shall be permitted:

<u>Commercial Use</u>	<u>Standard Industrial Classification Code</u>
(1.) Muffler Replacement Shop	6353
(2.) Motor Vehicle Transmission Repair and Replacement Shop	6355
(3.) Other Motor Vehicle Repair Shops	6359

- (ii) That notwithstanding Section 17F(1)(d)(1), the gross floor area restriction for accessory offices shall not apply.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1237, and that the subject lands on Zoning District Map E-59D be notated S-1237;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

20. Zoning Application 91-33, C. Del Sordo, owner, for a modification to the "M-14" District regulations for property at 135 Nebo Road, Rymal Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 28, respecting the above-noted matter.

Mr. P. Del Sordo, representative for the owner, was in attendance to speak to the application.

The Committee approved the following:

That approval be given to Zoning Application 91-33, Carlo Del Sordo, owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations, to permit a public garage and an auto body repair shop, for the property located at 135 Nebo Road, as shown on the attached map marked as Appendix "J", on the following basis:

- (a) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F, of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 17F(1)(b) of Zoning By-law No. 6593, the following Commercial Uses shall be permitted:

<u>Commercial Use</u>	<u>Standard Industrial Classification Code</u>
(1.) Garages (General Repairs)	6351
(2.) Paint and Body Repair Shops	6352



- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1238, and that the subject lands on Zoning District Map E-59D be notated S-1238;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

21. Zoning Application 91-06, M. and L. Spandonidis, owners, for a modification to the "C" District regulations for property at 21 Lottridge Street; Stipeley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 11, respecting the above-noted matter.

The Committee was also in receipt of a letter of submission from E. Pond, 25 Lottridge Street.

Mr. Wellenreiter, Solicitor for the owners, was in attendance and spoke to the Committee with respect to his request to have the application approved. He also submitted a petition signed by area residents saying that they are in favour of the application. He indicated that one of the reasons for not recommending approval is that parking could not be provided, and that he indicated that parking would be an impossibility for any of the homes in the area due to the denseness of the area. He indicated that this type of parking accommodation should be provided by the City in this area.

The Committee then approved the following denial recommendation

That Zoning Application 91-06, Maria and Labros Spandonidis, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit conversion of the existing building to a two-family dwelling, for property located at 21 Lottridge Street, as shown on the attached map marked as Appendix "K", be denied for the following reasons:

- (a) It conflicts with the intent of Policy C.7.1 i) of the Official Plan in that adequate off-street parking cannot be provided;
- (b) It is an overintensification of land use in that no on-site parking is being provided whereas two parking spaces are required. Further, the application conflicts with the intent of the Zoning By-law in that the property does not meet the minimum lot area requirement for a converted dwelling (270 m<sup>2</sup> required vs 173.11 m<sup>2</sup>). Also, an addition was constructed to increase the cubic contents of the building, contrary to Section 19(ii) of the Zoning By-law; and,
- (c) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area.
- (d) That the appropriate staff (Law and Planning Departments) be directed to represent the City at the Ontario Municipal Board Hearing scheduled for August 21, 1991, respecting Committee of Adjustment File A-258-89.

22. Zoning Application 91-23, 766284 Ontario Ltd. ( A. Goulding and H. Jacobs), owners, for changes in zoning from "AA" and "G-3" to "E" for land at the rear of 141 Highway No. 8; Riverdale East Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 17, respecting the above-noted matter.

The Committee was also in receipt of a submission from Mr. & Mrs. Johnstone, 271 Highridge Avenue, Stoney Creek.

Report of the circularization was given as follows:

59 notices sent      13 in favour      19 opposed

Mr. John Ariens, Planning Consultant with Planning Initiatives, Mr. Goulding, one of the owners, and Mr. Sarteck, Solicitor for the owners were in attendance to speak to the Committee with respect to their respect for approval.

Mr. Ariens was the spokesperson and presented a lengthy overview on why their application should be approved. He indicated that a dual residential/commercial use was established sometime ago and that their application for residential is in fact a downzoning from that. He indicated that they have been working with staff on this application for several years. He also distributed copies of a chart presentation on the proposal along with a newspaper article emphasizing the need for the type of housing that they would put on the site. Mr. Ariens also indicated that the height of the buildings do not affect the area and that in fact they have downscaled their proposal from 12 floors to 5. He also indicated that landscaping of mature trees can easily be done to enhance the site. Mr. Ariens indicated that there is sufficient surrounding parkland and schools in the area conducive to their residential proposal.

Mr. William Fleet, 6 Federal Street, spoke to the Committee in opposition to the application and questioned why the sign was on the Stoney Creek property originally, then moved a few weeks ago to the Hamilton property. The staff clarified that the sign was moved by the applicants as per the City's request.

Mr. Fleet further added that schools are already overcongested now and that the lot is very unkempt and residents in the area are having to maintain it. He concluded by indicating that he is very much opposed to this proposal as a 5 year resident of the area who moved there to avoid high-rise environments.

The owner of the property at 418 Birkendale spoke in opposition to the application and indicated that this building would be across from her home.

A representative from Adisco, spoke to the Committee and requested clarification that their lands would be set apart from the present application before the Committee and staff confirmed that this was in fact the case.

An owner of property at Federal Street, spoke in opposition to the application.

The owner of property on Federal Street quoted from a Stoney Creek newspaper article which spoke in opposition to the application.

The owners then responded and indicated that there have been no objections from the School Board on their application and that transportation is available and that this development will not affect those areas. They added that the residential component proposed for the property is much better than the commercial use which could be placed on the property.

Mr. Goulding, one of the owners, spoke and indicated that the sewer work referred to by Mr. Fleet, has been completed and indicated that they have tried to work with all parties concerned to meet the needs of everyone in developing this land and requested approval of their application.

The Committee then discussed this matter and approved the following denial recommendation:

That Zoning Application 91-23, 766284 Ontario Ltd. (A. Goulding), requesting a change in zoning from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Blocks "1" and "2"), and from "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "3"), to permit the development of the subject lands for a 5 storey, 50 unit apartment building, for the property located at 141 Queenston Road, as shown on the attached map marked as Appendix "L", be denied for the following reasons:

- (a) It conflicts with the intent of the Official Plan, in that the height and bulk of development would not integrate with the surrounding area, and is incompatible with the existing and proposed uses;
- (b) It conflicts with the intent of the approved Riverdale East Neighbourhood Plan which designates the lands "Commercial-Special Provisions." In this regard, it is intended that these lands be consolidated/developed with the commercial lands fronting on Queenston Road; and,
- (c) The preliminary site plan indicates that 13 of the 89 required parking spaces (24 spaces for the commercial and 65 spaces for the residential) will be located on the Stoney Creek lands to the east. This arrangement is unsuitable in that insufficient parking will be provided on-site. Furthermore, it is contrary to the Zoning By-law which prohibits access for a commercial development within a residential district.
- (d) That the City Clerk be authorized to notify the City of Stoney Creek of City Council's decision.

23. Zoning Application 91-27, John Paisley (In Trust), owner, for a request for the removal of the 'H' (Holding) symbol for 1405, 1411, and 1417 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 26, respecting the above-noted matter and approved the following:

That approval be given to Zoning Application 91-27, John Paisley in Trust, owner, requesting the removal of the 'H' (Holding) symbol under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a by-law for submission to City Council for property located at 1405, 1411 and 1417 Upper James Street, as shown on the attached map marked as Appendix "M".



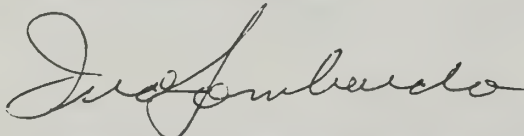
**OTHER BUSINESS****Alderman Don Drury - Zoning By-law for Property at 1 Prospect Street South**

Alderman Drury spoke to the Committee with respect to his concerns at a recently approved Zoning By-law for property at 1 Prospect Street South, which required the provision of 2 parking spots in order that the By-law be granted. He indicated that it is his understanding that these parking spots are in place but are not being used by the apartment dwellers, but rather rented out to neighbouring persons. He asked for some direction from staff on what could be done about this and it was indicated by Willy Wong of the Building Department that there were methods that could be used to ensure that the By-law requirement of providing these spots for the tenants of the apartment building at 1 Prospect Street South were in fact adhered to.

**ADJOURNMENT**

There being no further business, the meeting then adjourned.

Taken as read and approved,



**ALDERMAN F. LOMBARDO, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE**



per Susan K. Reeder  
Secretary  
1991 July 24







**CITY OF HAMILTON**

**- INFORMATION -**

**DATE:** 1991 September 18

**REPORT TO:** Mr. K. Christenson, Secretary  
Parks and Recreation Committee

**FROM:** Mr. J. G. Pavelka, P.Eng.  
Director of Public Works

**SUBJECT:** Pier-4 Development

**BACKGROUND:**

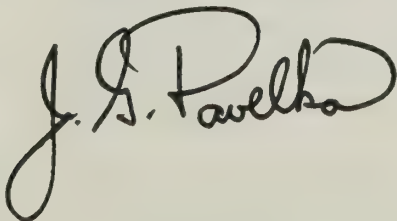
At its meeting of 1991 March 26, City Council directed staff to proceed with the development of Pier-4 Park and the public boat launch, according to the development concept approved on 1991 January 29. Any further refinements to the concept plan are to be reported back to the Parks and Recreation Committee.

Since that time, staff have completed the refinements to the concept plan with the assistance of public input, through a series of design workshops. The Pier-4 park development concept plan is available for viewing in the Public Works office and will be presented to the Parks and Recreation Committee at its meeting on October 1, 1991.

The boat launch ramp and support parking area have been constructed and the pending installation of the floating docks will complete this facility. Construction of the parking area and shoreline protection measures will be initiated in the fall of 1991.

At this time a response has not been received from the Provincial Government with respect to our request for funding assistance for the development of Pier-4 park. Upon receiving a reply, staff will inform the Parks and Recreation Committee with a full report in advance of the 1992 Capital Budget process.

CFE/mhs





CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

3.

\*\*\*\*\*

TO: Mr. K. C. Christenson, Secretary  
Parks and Recreation Committee

YOUR FILE:

FROM: Mr. K. E. Avery  
City Clerk

OUR FILE:  
PHONE: 546-4587

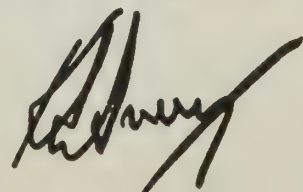
SUBJECT: HUNTINGTON PARK RECREATION  
CENTRE/RENOVATIONS AND ADDITION -  
APPOINTMENT OF ARCHITECT

DATE: 1991 September 25

Sub-joined is a copy of Section 6 of the SEVENTEENTH Report of the Parks and Recreation Committee which was referred back by Hamilton City Council at its meeting held 1991 September 24.

Please ensure that this item is placed on the agenda of the next meeting of the Parks and Recreation Committee.

- (a) That approval be given to enter into a contract with Chamberlain Architect Services Limited of Burlington, Ontario as the Prime Consultant for the Huntington Park Recreation Centre/Renovations and Addition. The contract amount will be \$237,500.00 - two hundred and thirty-seven thousand, five hundred dollars.
- (b) That a contract satisfactory to the City Solicitor be entered into between the City and the prime consultant, Chamberlain Architect.
- (c) That the Mayor and City Clerk execute the contract on behalf of the City.





**Original Report -**

**Approved by the Parks and Recreation Committee at its meeting held 1991 September 17 and referred back by City Council at its meeting held 1991 September 24.**

**DATE:** 1991 September 11


**REPORT TO:** Mr. Kevin Christenson Secretary  
Parks and Recreation Committee

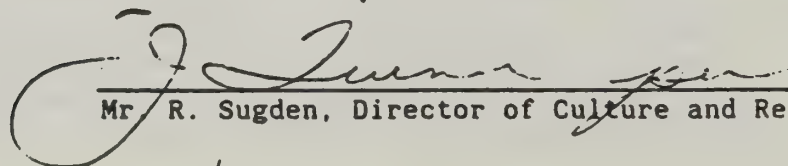
**FROM:** Mr. D. W. Vyce, Director of Property  
Mr. R. Sugden, Director of Culture and Recreation  
Mr. T. Bradley, Manager of Purchasing

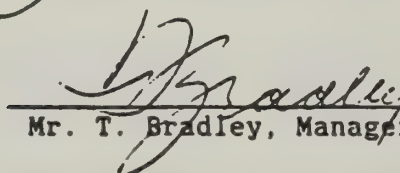
**SUBJECT:** Huntington Park Recreation Centre/  
Renovations and Addition - Appointment of Architect

**RECOMMENDATION:**

- (a) That approval be given to enter into a contract with Chamberlain Architect Services Limited of Burlington, Ontario, as the Prime Consultant for the Huntington Park Recreation Centre/Renovations and Addition. The Contract amount will be \$237,500.00 - Two Hundred and Thirty Seven Thousand, Five Hundred Dollars.
- (b) That a contract satisfactory to the City Solicitor be entered into between the City and the Prime Consultant, Chamberlain Architect.
- (c) That the Mayor and the City Clerk execute the Contract on behalf of the City.

  
\_\_\_\_\_  
Mr. D. Vyce, Director of Property

  
\_\_\_\_\_  
Mr. R. Sugden, Director of Culture and Recreation

  
\_\_\_\_\_  
Mr. T. Bradley, Manager of Purchasing

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

1. Total Fee Proposal (includes fees.....\$ 226,930.00  
disbursements, insurance & G.S.T.)
2. Contingency ( 5% of fee).....\$ 10,570.00
3. Total Contract Amount.....\$ 237,500.00

**NOTES:**

1. Funds are available in Account CF 5450 709141016 Consultants
2. Contingency added by City

The fees for services submitted by Chamberlain was the lowest of all proposals. The next lowest bid was \$28,533.00 greater than the Chamberlain proposal.

**BACKGROUND:**

1. The Selection Committee consisting of five staff members chosen to represent the Architectural, Engineering, Maintenance and Client requirements of the project, evaluated the nine short listed firms. After reviewing their submissions, and further short listing, four firms were interviewed. The Selection Committee selected Chamberlain Architect as the most suitable Prime Consultant for the Project.
2. The Prime Consultant Project Team and Sub-Consultants are as follows:
  1. Architect Chamberlain of Burlington
  2. Structural Engineering C. C. Parker of Hamilton
  3. Mechanical Engineer C. C. Parker of Hamilton
  4. Electrical Engineer C. C. Parker of Hamilton
  5. Landscape Architect Basciano of Burlington
  6. Barrier Free Design Consultant Brian T. Hogan of Toronto

At least 75% of the manpower of the Prime Consultant and Sub-Consultant Team work out of or reside in Hamilton.

**BACKGROUND:**

3. Eight acceptable "Consultant Proposals" were received by the City Clerk's department on August 22, 1991. Their final submissions presented their total fee.

The fees submitted were as follows:

1.	Chamberlain, Burlington.....	\$ 226,930.00
2.	Mendelow/Ghatalia Architects, Toronto.....	\$ 255,463.75
3.	Radojewski Reinders, Hamilton/Toronto.....	\$ 258,277.00
4.	Anthony Butler/John Mokrycke Architect, Inc., Hamilton.....	\$ 266,294.00
5.	Jackson Ryder, Toronto.....	\$ 284,104.26
6.	Stafford Haensli Architects Inc., Toronto.....	\$ 299,065.00
7.	Moffatt Kinoshita Associates, Hamilton.....	\$ 309,658.00
8.	Trevor P. Garwood Jones Architect, Hamilton...	\$ 349,190.00
9.	Richard Butterworth Architect Inc./ Stephen Teeple Architect, Hamilton.....	\$ Late Submission/ Not Accepted

4. The Selection Criteria were as follows:

- a) Design Capability
- b) Design Approach
- c) Project Planning and Cost Control
- d) Team
- e) Quality of Submission
- f) Interview
- g) Past Performance
- h) Quality of Service
- i) Recent Opportunities
- j) Knowledge of Local Conditions
- k) Cost (fee & disbursements, insurance and GST)

5. The Project Brief prepared by the City of Hamilton outlines the project and is available for reference from the Project Manager, Mrs. Hoda Kayal, Architectural Division, Telephone Number (416) 546-4606.

c.c. Alderman T. Jackson, Alderman, Ward 6  
Alderman V. Formosi, Alderman, Ward 6  
Mr. Lou Sage, Chief Administrative Officer  
Mr. E. C. Matthews, Treasurer  
Ms. P. Noe` Johnson, City Solicitor  
Mr. R. E. Martiniuk, Manager of Architectural Division  
Mr. B. Swan, Manager of Building Operations and Maintenance Division  
Ms. C. Secore, Manager of Planning, Culture & Recreation



**RICHARD G. BUTTERWORTH ARCHITECT INC./ STEPHEN R. TEEPLE ARCHITECT****ARCHITECTS IN JOINT VENTURE**

51 SUMMIT AVENUE SUITE 8  
HAMILTON ONTARIO L8V 2R7  
TEL. 416-575-7533 FAX. 416-575-7725

September 24, 1991

Don Ross  
Aldermen Ward 8,  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

re: Huntington Park Recreation Centre

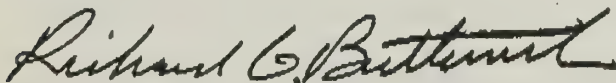
Dear Aldermen:

Our firm would like to point out that the selection committee for the above project short listed our firm for the second phase of the selection process. Due to a tragedy and extenuating circumstances beyond our control our submission for the second phase was late by a couple of hours and subsequently was rejected by the selection committee. Copies of our proposal plus an explanation letter were given the same day to the two Ward Aldermen, the Director of the Property Department, the City Architect, the Director of Culture and Recreation Department and the Project Manager.

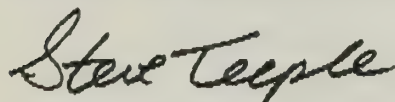
Our project team was composed of local architectural and engineering consultants. In our proposal we carried in our opinion the best pool consultant in Canada and we still were \$10,000.00 lower in fee than the firm recommended by the selection committee. Subsequently our proposal was not presented to the Parks and Recreation Committee.

Since this was a two stage and closed submission and because of the extenuating circumstances we would request that you refer the matter back to the Parks and Recreation Committee so that they may consider our proposal.

Yours truly,



Richard G. Butterworth  
Richard G. Butterworth Architect Inc.



Stephen R. Teeple  
Stephen R. Teeple Architect

RGB:ld

cc: R. M. Morrow, Mayor  
Terry Cooke, Aldermen Ward 1  
Mary Kiss, Aldermen Ward 1  
Vince J. Argo, Aldermen Ward 2  
W. M. McCulloch, Aldermen Ward 2  
Brian Hinkley, Aldermen Ward 3  
Don Drury, Aldermen Ward 3  
Geraldine Copps, Aldermen Ward 4  
Dave Wilson, Aldermen Ward 4

Dominic Agostino, Aldermen Ward 5  
Fred Lombardo, Aldermen Ward 5  
Tom Jackson, Aldermen Ward 6  
Vince Formosi, Aldermen Ward 6  
Henry Merling, Aldermen Ward 7  
John Gallagher, Aldermen Ward 7  
Don Ross, Aldermen Ward 8  
Tom Murray, Aldermen Ward 8



4.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 September 25

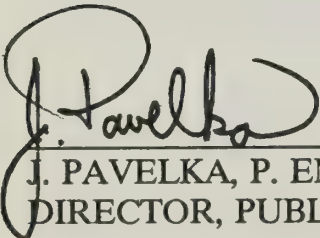
**REPORT TO:** Mr. K. Christenson, Secretary  
Parks and Recreation Committee

**FROM:** Mr. J. G. Pavelka, P.Eng.  
Director of Public Works

**SUBJECT:** Refurbishing - Andy Warburton Park

**RECOMMENDATION:**

That the Director of Public Works be authorized to undertake remedial works in Andy Warburton Park utilizing a portion of the 1991 funding previously approved for the development of Leaside Park, Account No. CF5255-629154004.

  
\_\_\_\_\_  
J. PAVELKA, P. ENG.  
DIRECTOR, PUBLIC WORKS

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Funding in the amount of \$25,200.00 was approved for the development of Leaside Park, as a component project within the 1991 Park Development and Redevelopment Programme. Through the assistance of the 1991 Local Improvement Programme, works are being completed along the Leaside Park and roadway interface which had been allocated within the park development budget.

As a result, there is \$20,000.00 available within the Leaside Park budget. Transferring these funds to an alternate project will not reduce the extent of work anticipated for completion in Leaside Park, this year.

Cost estimates for the required work in Andy Warburton Park totals \$20,000.00



## ***BACKGROUND:***

Leaside and Andy Warburton Parks are both located within Ward 4. It is the consensus opinion of the Ward 4 Aldermen, area Residents, the Police and civic staff that the required remedial works in Andy Warburton Park should be undertaken as expeditiously as possible.

Since the development of Andy Warburton Park, there have been ongoing concerns with respect to the seclusion of some areas of the park. Vandalism and other undesirable activities have been taking place within the park and the seriousness of these activities has escalated this year.

The Ward Aldermen, the Police Department and the Public Works Department have been involved in a monitoring programme in an attempt to reduce the occurrences and it has become clearly evident that the park must be altered to allow greater visibility into the problem areas.

Excessive berming and timber fencing along Britannia Road will be removed to allow Police patrols sufficient visibility to monitor all areas of the park. The buffering along Tragina Avenue will remain to separate the park from area residents.

This transfer of funds will not reduce the 1991 level of work which was originally anticipated for Leaside Park.

This initial \$20,000.00 expenditure will address primarily the cause of the problem - the seclusion. Next year's capital budget will address any outstanding features that will need altering.

CFE/pw

c.c. Alderman G. Copps, Alderman, Ward 4  
Alderman D. Wilson, Alderman, Ward 4  
E. Matthews, Treasurer  
C. Millar, Chief of Police  
D. Lobo, Manager, Streets and Sanitation  
R. Meiers, Operations Engineer

5(a)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 September 24

**REPORT TO:** Mr. Kevin Christenson, Secretary  
Parks and Recreation Committee

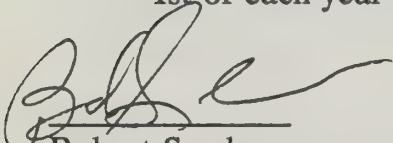
**FROM:** Mr. Bob Sugden  
Director of Culture and Recreation

**SUBJECT:** Special Events Guidelines

**RECOMMENDATION:**

1. That the criteria for Hamilton Special Events (**Attachment A**) be adopted, for a one year trial period, to include:
  - i) An application process requiring a description, the preferred location and the funding outline of the event.
  - ii) The approval process for all operational, health and safety regulations required by the event organizer.
  - iii) The cost-recovery plan for all auxiliary services provided by City, Region and other agencies.
  - iv) The liability insurance coverage to be purchased from the City's user group policy.
2. That a Special Events Permitting Fee be adopted according to the following schedule:
  - Category 1. Festivals held over two or more days  
fee: \$100.00 per day
  - Category 2. Community Events of one day duration  
fee: \$20.00
  - Category 3. Sports Events in both multi or single sport programs  
fee: according to rental policy

3. That the Finance and Administration Committee be requested to transfer the base budget of the on-going/annual special events to the Events - Current Budget of Culture and Recreation, administered by the Special Events Co-ordinator.
4. That the Parks and Recreation appoint a Special Events Task Force effective January 1st of each year to review the Hamilton Special Events criteria and fees.



Robert Sugden

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

**Financial Implications:**

Anticipated revenues of \$1,600.00 and departmental recovery of operational costs for auxiliary services.

**Programme Implications:**

Streamlining of all on-going annual special events under the auspices of the Special Events Co-ordinator with the resources of the Staff Committee S.E.A.T. (Special Events Advisory Team) for codes and regulation support.

**Committee Implications:**

Upon approval of the Parks and Recreation Committee, and the Finance and Administrative Committee, the Grants Review Group will review these appropriate annual events.

***BACKGROUND:***

The Parks and Recreation Committee requested that the Director of Culture and Recreation prepare a complete report on festivals at its meeting of 1991, April 2.

The operation of festivals overlap with many community agencies, volunteer groups and other municipalities. Although preliminary information was presented to the Parks and Recreation in July, the extent of information sharing and gathering warranted both a six month review and the opportunity to test the proposals with those festivals focused May - September of this year.



Although the Committee specifically named "Festivals" as the thrust of the report most contributors had a preference towards a "Special Event" Report which includes festivals as a category of special events. Generally festivals lean towards arts programming but include elements of sport and/or recreation within the composite. It is for this reason we respectfully entitled the Criteria for Special Events.

The base budgets of special events and programs which occur and require seed funding support on an annual basis presently appear in two areas of the municipal budget. Some appear in the Grants Budget of the Finance and Administration Committee and some appear under Special Events of the Parks and Recreation Committee's jurisdiction.

Those special events currently under the Grants Committee are planned immediately following the current years event, but face approvals which may be delayed until April of the next year. These approvals are stressful and often controversial. In most cases the festival is highly desirable and beneficial to our City's quality of life. Thus, it is generally highly desirable to place within a current departmental budget which will give equal and fair parameters to all special events. Once within a current budget it will be subject to the same constraints and mill rate increases determined by Council in the budget process.

Should a special event require special consideration in funding for a given year for a specific new purpose, it would be required to follow the expansion process at budget time.

Should a new special event which has received grants for three years be deemed an annual event it too could be determined best transferred to the current special events budget.

Under the current budget it would be supervised by the Special Events Co-ordinator and follow the financial requirements determined by the Treasurer as appropriate fiscal practices.

It has been agreed that one general "Special Events Application" will be adopted which can be used by both Hamilton-Wentworth Regional Police Services and the Corporation of the City of Hamilton.

It will be requested that the Grants Review Group recommend the on-going and annual special events which can be transferred from Grant Status to Current Budget.

It is generally agreed that the Special Events Task Force be comprised of two members of the Parks and Recreation Committee and two members of the Advisory Committees for Parks and Recreation Event Organizers may be called upon to provide input.

Appreciation should be extended to the following committees/organizations for their responsible input into this document:

The Arts Advisory Committee  
The Hamilton Historical Board  
Hamilton-Wentworth Creative Arts  
The Special Events Advisory Team (S.E.A.T.)

There was information provided by other groups and organizations to some degree. The staff support for this undertaking was particularly gratifying dealing with their areas of responsibility:

Shelley Merlo-Orzel  
Marilynn Havelka  
Jackie Turner  
Corky Secore  
Cheryl York  
Peter Booker (Parks Division)  
Dave Cowan (Parks Division)  
Kevin Beattie (Treasury Department)

Three other Department Heads have provided resources and staff information which impacts special event programming:

Patrice Noé Johnson (Law Department)  
Edward Matthews (Treasury Department)  
Joe Pavelka (Public Works)  
Dan Vyce (Property Department)

Similarly, comparative information was requested from other municipalities and provided an isolationist approach to what the standards and norms might be. We are appreciative to the response received from:

The City of Vancouver  
The City of Windsor  
The City of Mississauga  
The City of Ottawa and The Capital Commission  
The City of Calgary  
And those municipalities listed on the attached survey report\*

c.c. Chief Administrative Officer  
Chairman, Finance & Administration Committee  
City Treasurer  
Director of Public Works

Corporation of the City of Hamilton  
Parks and Recreation Committee  
**CRITERIA FOR SPECIAL EVENTS**

**PURPOSE**

The criteria for Special Events has been developed to provide fair and equitable regulations for all special events. Organizers requesting approvals to operate special events within municipal jurisdiction and on municipal land would be required to be governed by the policy paper and all other city regulations.

**PROCEDURES & GUIDELINES**

**(A) PROCESS**

The procedural process commences with the completion of a special event application form, submitted to the Culture and Recreation Department Office three months prior to the event.

Similarly, a grant request must be submitted to the Treasury Department should municipal funds be required to organize and operate the program by January 1st or the published grant cut-off date.

Applications for street closures and parades are made at the Police Department to receive Transportation and Environment Committee or Regional approval.

Event organizers are requested to submit a letter of intent which defines the goals of the special events and the level of financial support anticipated for the special events success. This should include any contribution requested from the City of Hamilton or Regional of Hamilton Wentworth. A clear financial forecast and budget process must be demonstrated.

Event Organizers requesting access to a, "Historically Recognized Area", must clearly show how the event will be regulated and will contribute to the historical interpretation of Hamilton and its people. Such requests must compliment the public access to the area and in no way impede visitation to the historical site.

As outlined further in this report the Hamilton Historical Board will review all applications and letters of intent requesting the use of a, "Historically Recognized Area."



The Department of Culture and Recreation - Special Event Co-ordinator will process the application and submit to the Special Events Advisory Team (S.E.A.T.). This team is comprised of representative staff members equipped to provide advice on all aspects of city or regional requirements for any and all special events. One representative is requested from the following authorities:

Parks Division of Public Works  
Police Department  
Hamilton Street Railway  
Traffic

Fire Department  
Health Department  
Noise Control

Treasury  
Engineering  
Hydro

- With other agencies available for jurisdictional needs.

A meeting of the event organizer with S.E.A.T. may be necessary depending on the complexity of the proposal but will provide "one stop" information for staging the event.

The Event Organizers are requested to meet all S.E.A.T. requirements (90) ninety days prior to the event in order for a positive recommendation to be forwarded to the Parks and Recreation Committee for approval. The Director of Culture and Recreation will provide in this recommendation sufficient information for the Committee to appreciate the broad scale impact, the problems and the plus factors in the background perspective. Similarly, the Commissioner of Transportation and Environment Services will advise at the regional level.

Smaller events with limited impact to the surrounding community and not requiring licences or registration will be provided as Information Reports to the Committee.

Performers and entertainment program must be submitted to the Director of Culture and Recreation (30) thirty days prior to the event, for circulation to sub-committees.

A representative on the S.E.A.T. Committee is required to ensure their respective department requirements can be met by the organizers. Approval/Non-Approvals will be communicated to the event organizer prior to a recommendation being processed to Committee and Council.

#### **(B) COVERAGE/COSTS**

Public Liability Coverage of \$2 million dollars may be required for events requiring risk management. The City of Hamilton USER GROUP POLICY will be extended to list the event organizers who will pay the premium fee for this inclusion. This fee will be determined by the level of the event and such factors as liquor permits and risk. There will be a variance between non-profit/community organizations and profit/commercial operations.

An application and administrative fee according to Council approved schedule will be the responsibility of the applicant. The applicant will also be advised of additional applicable fees incurred by other Departments to safely stage the event. The additional applicable fees may be:

- Rental/Administrative Charges
- Policing Fees (Officers)
- Inspection Fees (Hydro, Noise, Fire)
- Security Costs
- Hamilton Street Railway Re-Routing - Signage Costs, Additional Buses, Inspectors, And Advertising
- Site Charges - Labour/Set-Up; Clean-Up Charges

- Unless provided for by the departmental budget process.

In the case of the events that have not performed under sound fiscal management, the S.E.A.T. Committee will recommend advance payments.

All event organizers will be provided with event costs estimates three months prior to the event.

All conditions must be met before a support recommendation will be processed and where outstanding charges from a previous year have not been discharged, a supportive recommendation will not be issued. These conditions include meeting year end accounting and financial statements required by the City Treasurer.

#### (C) VENUES

Event Organizers may request a desired location for the event and will be required to ensure that this location provide amenities for public health and safety priorities.

These priorities are:

- Park Size and Designation
- Parking and Hamilton Street Railway Accessibility
- Hydro, Water, Washrooms

## **SPECIAL CONSIDERATIONS**

Park sites will be given designations which comply with neighbourhood, community or city wide usages.

Considerations will be given in determining if the special event fits the site designation.

## **FURTHER**

Any park site with historical designation or recognition will be reviewed by the Hamilton Historical Board in a forum including a report from the Director of Culture and Recreation which will require approval by the Parks and Recreation Committee.

All site plans must be prepared to provide:

- Emergency Vehicle Access
- Medical Facilities Access
- Communication Facilities
- Signage and Equipment

These procedural guidelines are developed to improve the terms and conditions to facilitate the event organizers in providing a better more responsive special events serving the citizens of tourists to the City of Hamilton.

## **SPECIAL EVENTS CATEGORIES**

### **Definitions**

- (1) **Category One Special Events** are principally festivals of the Arts/Culture which showcase programming for city residents and tourists. Non-municipal revenues may be derived from parking, sales of food, refreshments, arts, crafts and souvenirs. Entertainment is provided as a consequence of the revenue/fundraising.

A non-profit independent board/committee structure is preferred to be in place to manage the operation of the special event in a park setting. Where civic funds are provided, a staff liaison will be kept informed on all planning and operation issues.

- (2) **Category Two Special Events** are principally community celebrations with a focus related to Recreation, Heritage, and Community Pride programming. Revenue is limited or non-existent. The organization will involve a citizens group and municipal staff.



- (3) **Category Three Special Events** are principally competitive games and sports. Revenue may be admissions and sales. The organization will be undertaken by a recognized civic sport club, agency, council of the municipality.

Further interpretation and assistance with a request to hold a special event may be obtained from the Special Events Co-ordinator of the Department of Culture and Recreation.

Any recommendations and suggestions to improve and upgrade these guidelines may be forwarded to the Director of Culture and Recreation, attention of the Special Events Co-ordinator.

MUNICIPALITY	ALCOHOL PERMITTED IN PARKS	GUIDELINES WITH ALCOHOL	DESIGNATED PARKS	DEPOSIT/FEEES	CLEAN-UP	BD. OF HEALTH
Guelph	No (except for ball tournaments)	Washrooms, fenced in, security	Only one park (located in residential area)	Deposit-none Rental-\$25-\$41 (depending on size) Fees-anything City sets up	City cleans (cost included in rental fee)	Organization makes contact
Halton Hills	Yes (need Council approval, and meet City's checklist)	Enclosed, wash- rooms, security	Specific Parks -criteria are residents, hydro, water and washroom proximities	Deposit-up to \$5000 (depends on event) Rental-with admis- sion fees \$350-\$600/day (depending on affiliation, residency) -no admission fees: \$60 - \$120 Fees-delivery of any rentals (tables, etc.)	Org. must clean up, if they don't, City will deduct amount from deposit	Organization makes contact
Hamilton	Yes (require Council resolu- tion)	Normal LCBO standards and City requires public liability	Few parks (due to size and distance from residents). One park has pavillion (prefer groups with alcohol)	Deposit-none Rental-\$3 for permit Fees-Org. charged for set-up of tables, snow- fencing, etc.	Org. is respon- sible, if not done, charged for City's time	Org. must make contact
Kingston	No	--	Depending on group size, go to the appro- priate park for their needs	Deposit-none Rental-none Fee-\$50/hour clean up charge	Org. is respon- sible, if not done, charged for City's time	Org. must make contact

MUNICIPALITY	ALCOHOL PERMITTED IN PARKS	GUIDELINES WITH ALCOHOL	DESIGNATED PARKS	DEPOSIT/FEEES	CLEAN-UP	BD. OF HEALTH
Kitchener	Yes (need liquor permit and \$100 over the rental fee)	Fenced in, washrooms, volunteer police	Victoria Park (due to its size)	Deposit-none Rental -1/2 day - \$61 park and building -full day - \$122 park and building -small area \$50	City cleans up and bill Org.	Organization makes contact
London	Yes	-Normal LCBO rules -City hires an attendant to make sure licence guide-lines are followed	Must be away from residential areas	Deposit-\$1000 performance bond Rental-businesses charged 12 1/2% levy Fee-all expenses are deducted from bond	Organization is responsible  If City does it, it takes it out of the bond	Organization makes contact
Mississauga	Yes (liquor permit and special event permit)	-snowfencing, insurance -Org. must contact the police	-only in large parks -if alcohol use, fenced in parks or away from residents	Deposit-\$10 for key that opens hydro, water and bbq's Rental-none	The City is responsible for clean-up	Organization makes contact
Niagara Falls	Yes (liquor licence, Council approval, Parks and Rec approval)	enclosed, snowfencing, washrooms, security, water	For alcohol, try and stay away from residence	Deposit-none Rental-none Fee-maintenance fee of other facilities required (eg. ball diamond)	-Organization is responsible -If City cleans up the Org. is billed	Organization makes contact
North York	Yes (needs Council approval 90 days before)	LCBO guidelines and Org. needs to get security	1 park only due to its size	Deposit-none Rental-flat rate of \$300 (covers hydro, water fencing, etc.)	-Organization is responsible -If not, City will clean up and bill them	-Org. makes contact -If joint venture with the City, City will make contact



MUNICIPALITY	ALCOHOL PERMITTED IN PARKS	GUIDELINES WITH ALCOHOL	DESIGNATED PARKS	DEPOSIT/FEEES	CLEAN UP	BD. OF HEALTH
Oshawa	Yes (Org. must apply 3 months in advance, get O.K. from Community Service Committee	Enclosed, washrooms, insurance policy	with alcohol, only parks that are fenced in	Deposit-with alcohol \$100 clean up (non- refundable) Rental-10% of net profit Fee-\$15/day for hydro	Organization responsible, if not done, charged for City's time	-Organization must contact board
Ottawa	No (except ex- treme cases) -need a special occasion permit	Standard LCBO requirements	Specific parks depending on the size of the group	Deposit-none Rental-\$2.50/parking space Fee-any extra expenses	City does usual clean-up, any- thing extra charged to the Organization	City contacts the Board, and tells them name and phone number of the organization
Sarnia	No (exception is baseball tourna- ment)		Picnics allowed in specific parks (no alcohol in picnic areas)	Deposit-none Rental-\$12.50 Fee-for snowfencing, or other City maintenance	The Org. and City clean up (no charge to Org.)	Organization must make the contact
St. Thomas	No		-only 2 parks suitable for picnic in the City -use covered pavillions	Deposit-none Rental-\$20 (this covers water and hydro found at every pavillion)	Org. is respon- sible, if they don't, City cleans it up in their daily routine. Note: only propane bbg's allowed (no charcoal)	Organization must make the contact

MUNICIPALITY	ALCOHOL PERMITTED IN PARKS	GUIDELINES WITH ALCOHOL	DESIGNATED PARKS	DEPOSIT/FEEES	CLEAN-UP	BD. OF HEALTH
Waterloo	Yes (copy of LCBO permit, million \$ liability, designated driver policy)	Enclosed, washrooms, police, insurance	Use specific park (fenced in area, starting to construct a building)	Deposit-none Rental-none Fee-damage, extra clean-up	Organization responsible, if not done, charged for City's time	Organization makes contact
Windsor	Yes (need Council approval)	Windsor Beer Tent Operators/ Windsor Police Association Guidelines (ie. double snowfence, washrooms, security, etc.)	Specific parks (away from residences, prefer to use enclosed areas)	Deposit-\$500 damage Rental -Charitable Group \$125/day -Non-Charitable Group \$300/day -Picnic Area \$20-\$22 Fee-labour and rental of equipment	Organization responsible, if they don't, City will clean and deduct money from damage deposit	Organization makes contact
Woodstock	Yes (need liquor permit)	Need to be fenced in or have tent, washrooms (No security required)	Use largest park, as it has 2 pavillions	Deposit-none Rental-with alcohol \$100 -without \$11	Organization is responsible, if not done, charged for City's time	Organization makes contact

30JW:cf  
(C:PRKSCHRT)





5(b)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 September 25

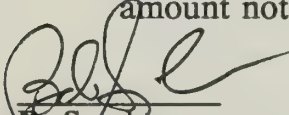
**REPORT TO:** Mr. K. Christenson, Secretary  
Parks & Recreation Committee

**FROM:** R. Sugden, Director  
Culture & Recreation

**SUBJECT:** 25 TECUMSEH STREET

**RECOMMENDATION:**

- (a) That the Director of Property be authorized to proceed with the acquisition of the property known as 25 Tecumseh Street, adjacent to the grounds of Dundurn Castle, which originally was Sir Allan MacNab's Gardener's Cottage.
- (b) That the City Treasurer be requested to prepare a recommendation to the Finance and Administration Committee to recommend the method of financing, for an amount not to exceed \$175,000.00.

  
R. Sugden

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**BACKGROUND:**

This acquisition was not ranked in the Capital Budget process. This acquisition could not be forecast in Capital Budget time, but now requires funding for purchase in 1991. Future capital budget implications for restoration will be part of the long term building and gardens plan.

Through the Last Will and Testament of the subject property owner, The City of Hamilton has been granted the right of first refusal on the possible purchase of the gardener's cottage.

This two-storey brick house was built in 1856-57 for Sir Allan MacNab's gardener, Wm. Reid. Mr. Reid lived here until approximately 1867.

.../2

The building was designated as a building of architectural and historical significance on September 1, 1987 under the Ontario Heritage Act. It represents a distinctive pre-Confederation vernacular housetype, of which there are few surviving examples in the Hamilton area.

The cottage ties in very well with the landscape of MacNab's estate and establishes a focus to that particular end of the park where, Inchbuie, MacNab's original burial ground, was located.

Short term plans for the building would be to interpret the exterior and utilize the interior for archival conservation purposes.

The Parks Staff Committee at their 26 July, 1991 meeting stated that the best protection of the property would be through City acquisition.

Both the Historical Board and L.A.C.A.C. have supported the acquisition of the property.

This Cottage has been deemed integral to the long term restoration plan for the grounds of the Castle. The Federal Government will be a source of financial support for this restoration. This acquisition of the property will safeguard against private purchase and any alteration or deterioration which conflicts with the historical designation.

c.c. Mr. D. Vyce, Director of Property  
Attention: Bill Moffatt, Property Officer  
Mr. E. Matthews - City Treasurer  
Mrs. N. Chapple - Architectural Historic Planning  
David Godley - Manager Neighbourhood Planning, Planning Department  
Secretary, Finance & Administration Committee

6.

CITY OF HAMILTON  
- RECOMMENDATION -

SEP 25 1991

DATE: 1991 September 25

REPORT TO: Mr. Kevin Christenson, Secretary  
Parks and Recreation Committee

FROM: Mr. D. W. Vyce  
Director of Property

SUBJECT: Sale of Park's Property  
Spruceside Avenue Radial Park  
James and Melanie Warr

**RECOMMENDATION:**

- a) That an Offer to Purchase executed by James and Melanie Warr on September 19, 1991 and scheduled for closing on or before December 5, 1991, for the purchase of a portion of Park's property, more particularly described as Part 1, Registered Plan 62R-11833, having a frontage along the easterly limit of Spruceside Avenue of 0.829 metre (2.71 feet) more or less, by a depth of 23.52 metres (77.17 feet) more or less, and consisting of a total area of 22.9 square metres (246.0 square feet) more or less, be accepted and completed. The purchase price of \$8,300.00 be credited to the following accounts; Account CH 4X501 00201 (Reserve for Parklands) \$7,700.00 and Account Number 45027 401 340 (Recoverable Services - Surveys) \$600.00.
- b) That a deposit cheque in the amount of \$830.00 be retained by the City Treasurer pending this Agreement.
- c) That the Mayor and City Clerk be authorized and directed to execute any necessary documentation.

  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

See above recommendation.



**BACKGROUND:**

In adopting Item #2 of the 8th Report of the Parks and Recreation Committee; City Council on April 24, 1990 approved the purchase of a triangular shaped parcel of land fronting on Spruceside Avenue to enhance the size and shape of the Spruceside Park.

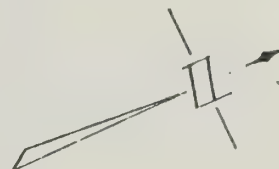
The abutting property owners to Spruceside Park (James and Melanie Warr) have requested the City sell a small portion of City Parkland directly adjacent to their residence at 5 Spruceside Avenue for the purposes of relocating their driveway to the North.

Upon researching this request, it was determined that the sale would have little negative impact upon the Park as no significant change in configuration would take place and, any possible future development would not be affected.

Further, the purchase price reflects the original cost to the City of acquiring the land and associated administration.

c.c. Mrs. P. Noé Johnson, City Solicitor  
Mr. E. C. Matthews, Treasurer  
Ms. L. MacNeil, Property Clerk, Surveys  
Mr. J. G. Pavelka, P.Eng., Director of Public Works  
Attention: Mr. B. Chrystian

(4508)



BUILDING LOCATION SURVEY OF  
PART OF PARK LOT 6  
REGISTERED PLAN 60  
PART OF LOTS 1, 2, & 3  
REGISTERED PLAN 394  
all in the  
**CITY OF HAMILTON**  
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH  
SCALE: 1" = 30'  
EDWARD BARICH CLS  
1990

**NOTE**

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO  
THE WESTERN LIMIT OF QUEEN STREET AS SHOWN ON  
REGISTERED PLAN 60 HAVING A BEARING OF N 23° 57' E  
DEED & INST 12513 HL.  
PLAN 2 = REGISTERED PLAN 60  
PLAN 2 = REGISTERED PLAN 394  
1600: SONE & WOODS CLS

**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- CM DENOTES CONCRETE MONUMENT
- STB DENOTES STANDARD IRON BAR
- 216 DENOTES ROUND IRON BAR

**SURVEYOR'S CERTIFICATE**

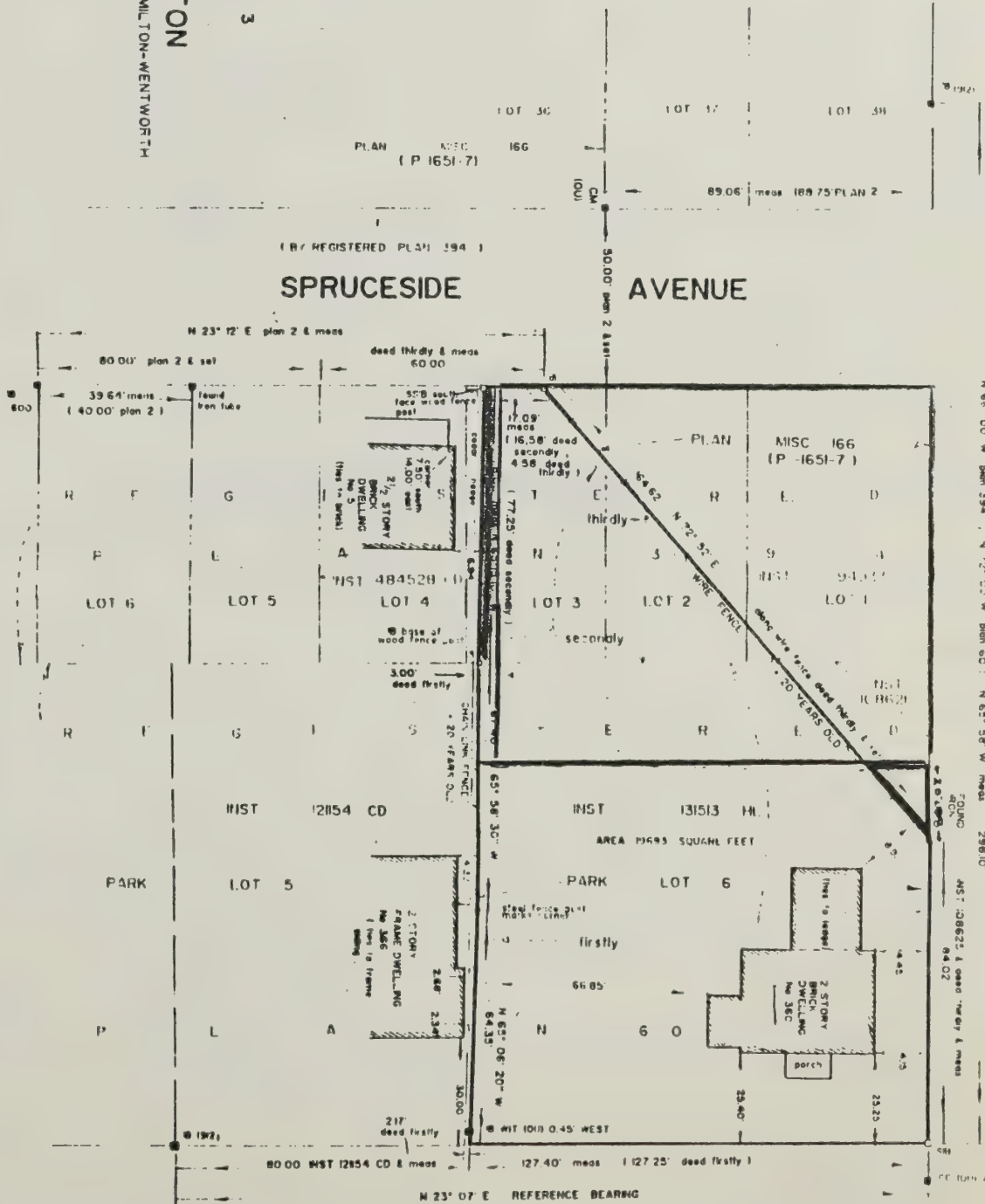
CERTIFY THAT  
THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS  
COMPLETED ON THE 27<sup>TH</sup> DAY OF FEBRUARY 1990

COPYRIGHT

ED

ONTARIO

MAM



*limits of remaining Park road (5.71 feet) to be sold to WARR*

*Feb 26, 1990 Edward Barich*

PLAN 12R 11833

# ABERDEEN

ROAD

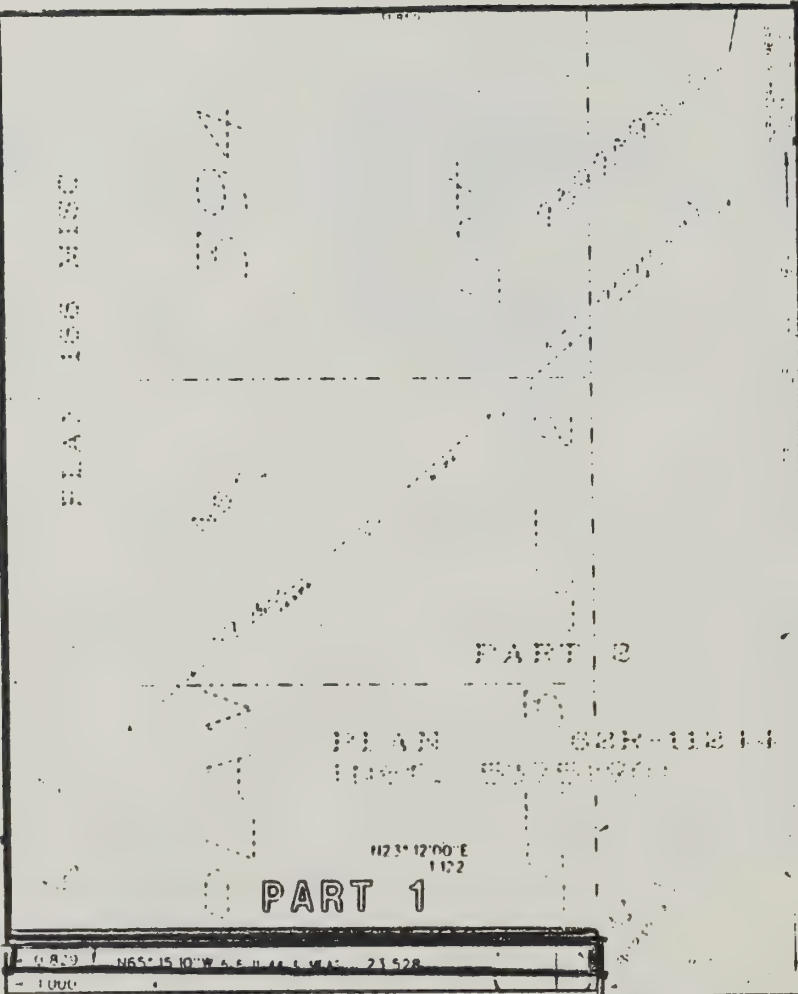
ALLOWANCE

BETWEEN

5'00" W MEAS

SPRUCESIDE AVENUE

SPRUCESIDE AVENUE



PART 2

N23°12'00"E  
1122

N65°15'10"W  
23528

5'00" W MEAS

5'00" W MEAS

BY

OT 3  
LAN 394

MILTON

MILTON WINDWORTH

200

AND SURVEYOR

## NOTE

BEARINGS HEREON ARE APPROXIMATE AND ARE REFERRED  
TO THE FACT THAT THE DISTANCE BETWEEN THE  
OF THE ROAD AND THE ROAD ON THE OTHER SIDE OF THE

SURVEYOR

FOR THE YEAR

THE DISTANCE BETWEEN THE

WITH THE DISTANCE AND THE

REGULATION MADE HEREON

THE DISTANCE BETWEEN THE

THE DISTANCE BETWEEN THE

THE DISTANCE BETWEEN THE

June 28/1991

DATE



OFFER TO PURCHASE

I/We **James L. Warr and Melanie A. Warr**  
**5 Spruceside Avenue** of the City of Hamilton  
**Hamilton, Ontario L8P 3Y2**

in the Regional Municipality of Hamilton-Wentworth hereinafter called the Purchaser,  
hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,

hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Part 1, Registered Plan 62R-11833, more particularly described as having a frontage of 0.829 metre (2.71 feet) more or less, along the easterly limit of Spruceside Avenue, by a depth of 23.52 metres (77.17 feet) more or less, and comprising a total area of 22.9 square metres (246.0 square feet) more or less, being irregularly shaped as shown on the plan attached hereto. Said parcel forms part of the property known municipally as 1 Spruceside Avenue.

at the price of Eight Thousand, Three Hundred-----DOLLARS (\$8,300.00)  
of lawful money of Canada, payable as follows:-

- (a) A deposit of Eight Hundred and Thirty-----DOLLARS (\$830.00) by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely Seven Thousand, Four Hundred and Seventy-----DOLLARS (\$7,470.00) with interest as hereinafter provided, and subject to adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 15th day of October 1991, by a letter mailed or delivered to the Purchaser at the above address.
2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.
3. In the event of and upon the acceptance of this Offer, this Offer and the letter of acceptance shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.
4. The title is good and free from all encumbrance, except as to any registered restrictions or covenants.
5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.
6. The Purchaser is to be allowed thirty days from the date of acceptance of such Offer to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.
7. This transaction shall be closed on or before the 5th day of December, 1991.

8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.
16. It is understood and agreed that the exact area to be purchased will be determined by a survey prepared by the Vendor.

Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at Hamilton this 19<sup>th</sup> day of September 1991.

SIGNED, SEALED AND DELIVERED )  
in the presence of ) J.L. Warr (Seal)  
 ) JAMES L. WARR  
 ) M.A. Warr (Seal)  
 ) MELANIE A. WARR  
 ) \_\_\_\_\_ (Seal)

*William Hafford*

Name of Purchaser's Solicitor W.P. MACKESY *9W-1*  
T.H. (Tom) Lawrason

Address of Purchaser's Solicitor #7 HUGHSON ST. SEAFIN  
120 King Street West, 6th Floor  
Hamilton, Ontario L8P 4V2

5/5/88









J.J. SCHATZ  
DEPUTY CITY CLERK

## THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

TEL: 546-2700  
FAX: 546-2095

1991 August 15

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

## PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1991 AUGUST 21

9:30 O'CLOCK A.M.

ROOM 233, CITY HALL

Charlene J. Coutts, Secretary  
Planning and Development CommitteeA G E N D A

1. Consent Agenda.
2. PUBLIC MEETING - RENTAL HOUSING PROTECTION ACT APPLICATION  
(9:30 o'clock a.m.)

Property at 15, 17, 19 Strachan Street East and 337, 339 Hughson Street North.

COMMISSIONER OF PLANNING AND DEVELOPMENT

3. Proposed Plan - Hamilton Beach Neighbourhood.
  - (a) Report - Commissioner of Planning and Development.
  - (b) Presentation by Mr. Ben Vanderbrug, General Manager, Hamilton Region Conservation Authority. (no copy)
  - (c) Presentation by Mr. Reg Wheeler. (no copy)
4. Comments on the Proposed Amendment No. 53 to the Hamilton-Wentworth Official Plan.





**DIRECTOR OF PROPERTY**

5. Authorization to allow the Transfer of Title from Samuel, Peter and Morris Mercanti, Moore and Davis Enterprises Inc. and Arthur Glenn Bryant to Carmen's Square Limited - Anchor Plan, Parts 3 and 4, Plan 62R-5200.

**BUILDING COMMISSIONER**

6. Demolition Permit Application - 74 Charlton Avenue East - Referral to L.A.C.A.C. for Consultation.

**DIRECTOR OF PUBLIC WORKS**

7. Phase IV of the Downtown Action Plan - Implementation of Sanitation Recommendation - Public Service Announcement.
8. Central/Beasley P.R.I.D.E. Housing Intensification Programme - Authorization to Sign Provincial/Municipal Agreement and Hold a Public Meeting.

**REFERRAL FROM CITY COUNCIL**

9. (a) Report from the Director of Public Works - Jamesville Business Improvement Area Petition.  
(b) Petition - Jamesville Business Improvement Area.

**FINANCE AND ADMINISTRATION COMMITTEE**

10. Residential Identification - Placement of Residence Numbers on Telephone Poles.

**BUSINESS LAND USE ADVISORY BOARD**

11. Comments on the "M" District Study.



## ZONING APPLICATIONS

### 10:30 O'CLOCK A.M.

12. Zoning Application 91-01, G. Filice (In Trust), owner, for a change in zoning from "AA" to "C" for land municipally known as 987 Upper Paradise Road; Falkirk East Neighbourhood.
13. Zoning Application 90-88, 775751 Ontario Inc. (J. Paisley), prospective owner, for changes in zoning from "AA" and "C" to "HH" for lands municipally known as 1425 and 1429 Upper James Street; Ryckman's Neighbourhood.
14. Zoning Application 91-32, M. O. Velenosi, owner, for a change in zoning from "B" to "C" for property at 82 Christie Street; Kennedy East Neighbourhood.

### 10:45 O'CLOCK A.M.

15. Zoning Application 90-96, Rymal Square Developments Inc., owner, for a change in zoning from "C" to "RT-20" for land in the area north of Rymal Road East and east of the Hydro right-of-way; Butler Neighbourhood.
16. City Initiative 91-B, for a modification to the "E-3" District regulations for properties at 109, 111 and 123 Charles Street and 122 and 124 MacNab Street South and a further modification to the "E-3" District regulations for 126 MacNab Street South; Durand Neighbourhood.  
  
(a) Submission - Mr. E. Allen, 412-155 Park Street South.
17. Zoning Application 91-24, Bakado Enterprises, owner, for a change in zoning from "C" to "H" modified for property at 674 Upper James Street; Bonnington Neighbourhood.

### 11:00 O'CLOCK A.M.

18. Zoning Application 90-74, A. Biggs, owner, for a modification to the "D" District regulations for property at 49 Holly Avenue; Industrial Sector "E".





**11:30 O'CLOCK A.M.**

19. Proposed Allison Neighbourhood Plan.
20. Zoning Application 91-26, Rymal Square, owner, for a further modification to the "G-4" District regulations for property municipally known as 30 Rymal Road East; Allison Neighbourhood.

21. **OTHER BUSINESS**

22. **ADJOURNMENT**





## OUTSTANDING LIST

### PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
P6-8-3-Lapp Property Beddoe Drive and Studholme Road	1990 Dec. 5	Committee	Modified Neighbourhood Plan Review being conducted
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed



<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
City Initiative - 1100 Limeridge Rd. E. - for Senior Citizens apartments.	1991 July 24	Planning	To be processed
Public Meeting - Carter Square, Neighbourhood Plan Amendment	1991 July 24	Planning	Public Meeting to be held 1991 September 4.





**PLANNING AND DEVELOPMENT COMMITTEE MEETING**  
**WEDNESDAY, 1991 AUGUST 21**  
**C O N S E N T   A G E N D A**

**ADOPTION OF MINUTES**

- A. Minutes of the Planning and Development Committee for its meeting held 1991 July 24.

**BUILDING COMMISSIONER - CITY OF HAMILTON HERITAGE PROGRAM**

- B. 112 Aberdeen Avenue  
C. 219 Ferguson Avenue South  
D. 221 Ferguson Avenue South  
E. 223 Ferguson Avenue South  
F. 225 Ferguson Avenue South  
G. 227 Ferguson Avenue South  
H. 33 Undermount Avenue

**BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS**

- I. 185 Nash Road South  
J. 644 Eaglewood Drive  
K. 1188 Rymal Road East  
L. 99 Dundurn Street North

**DIRECTOR OF PUBLIC WORKS**

- M. Jamesville B.I.A. Interim Board of Management.





Wednesday, 1991 July 24  
9:30 o'clock a.m.  
Room 233, City Hall

A

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice-Chairman  
Alderman V. Formosi  
Alderman D. Wilson  
Alderman M. Kiss  
Alderman H. Merling  
Alderman W. McCulloch

Regrets: Mayor Robert M. Morrow - City Business  
Alderman D. Ross - Regional Business

Also present: Alderman T. Jackson  
Alderman T. Murray  
Mr. D. Kelterborn, Board of Education  
Mr. A. Georgieff, Director of Local Planning  
Mr. B. Janssen, Planning Department  
Mr. M. Watson, Real Estate Division, Property Department  
Mr. W. Wong, Building Department  
Ms. P. Noé Johnson, City Solicitor  
Mr. L. King, Building Commissioner  
Mrs. N. Chapple, Planning Department  
Mr. K. Brenner, Regional Engineering Department  
Mr. M. Mascarenhas, General Manager, Municipal Non-Profit  
(Hamilton) Housing, c/o Community Development Offices  
Mr. G. Robis, Building Department  
Mr. B. Allick, Building Department  
Mr. D. Godley, Planning Department  
Mr. R. Karl, Traffic Department  
Ms. J. McNeilly, Community Renewal, Public Works Department  
Mr. P. Mallard, Planning Department  
Mr. L. Lanza, Regional Planning Department  
Mrs. Susan K. Reeder, Secretary

## A G E N D A

### 1. Consent Agenda.

### A. MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

The Committee was in receipt of the minutes of their last meetings held Monday, 1991 June 24th and Wednesday, 1991 June 19th and approved these minutes.

### B.-E. BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

The Committee was in receipt of reports from the Building Commissioner, respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the following properties:

1. (a) 780 Upper Paradise Road.  
(b) 493 Rennie Street.  
(c) 485 Beach Boulevard.  
(d) 443 Woodward Avenue.

**F. BUILDING COMMISSIONER - COMMERCIAL FACADE LOAN PROGRAMME**

The Committee was in receipt of a report from the Building Commissioner dated 1991 July 16, respecting the above-noted matter and approved the following:

2. That a Commercial Facade Loan, in the amount of fifteen thousand dollars (\$15,000.00) be approved for 259 Ottawa Street North, Ted & John Culshaw (A & B. Catering). The interest rate will be 4-7/16 percent, amortized over 10 years.

**G.-J. BUILDING COMMISSIONER - COMMUNITY HERITAGE TRUST FUND**

The Committee was in receipt of reports from the Building Commissioner, respecting the above-noted matter and approved the following:

- 3.(a) That a repayable loan under the Community Heritage Trust Fund in the amount of eight thousand, and eighty dollars (\$8,080.00) be approved for Heinz Ollesch, 172-176 Locke Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
  - (b) That a Designated Property Grant in the amount of three thousand dollars (\$3,000.00) be provided to Heinz Ollesch, 172-176 Locke Street South, Hamilton.
- 4.(a) That a repayable loan under the Community Heritage Trust Fund in the amount of three thousand, eight hundred and eighty-eight dollars (\$3,888.00) be approved for Jane & Paul Rigby, 74 George Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
  - (b) That a Designated Property Grant in the amount of three thousand dollars (\$3,000.00) be provided to Jane & Paul Rigby, 74 George Street, Hamilton.
- 5.(a) That a repayable loan under the Community Heritage Trust Fund in the amount of four thousand, five hundred and eighty-three dollars (\$4,583.00) be approved for Joan & Agnes McAllister, 72 George Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
  - (b) That a Designated Property Grant in the amount of three thousand dollars (\$3,000.00) be provided to John & Agnes McAllister, 72 George Street, Hamilton.
- 6.(a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, three hundred and nineteen dollars (\$2,319.00) be approved for Jane & Paul Rigby, 260 MacNab Street North, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
  - (b) That a Designated Property Grant in the amount of two thousand, three hundred and nineteen dollars (\$2,319.00) be provided to Jane & Paul Rigby, 260 MacNab Street North, Hamilton.

**K.-L. COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES -  
CASH PAYMENT IN LIEU OF 5% PARKLAND DEDICATION**

The Committee was in receipt of reports from the Commissioner of Transportation/Environmental Services, respecting the above-noted matter and approved the following:

7. That the City of Hamilton accept the sum of \$22,300.00 for Edan Heights Phase One as cash payment in lieu of 5% dedication in connection with this subdivision; this being the cash requirement under Section 50 of the Planning Act. This proposed subdivision is located in the Butler Neighbourhood bounded by Rymal Road East, Stone Church Road, Upper Sherman Avenue and Upper Wentworth Street on the east side of Acadia Drive.
8. That the City of Hamilton accept the sum of \$18,150.00 as cash payment in lieu of 5% land dedication in connection with "Crerar Place", and the sum of \$55,900.00 as cash payment in lieu of 5% land dedication in connection with "South Hill - Phase 1" Hamilton, these being the cash requirements under Section 50 of the Planning Act. The lands of "Crerar Place" are located north of Stone Church Road East and west of Upper Wentworth Street in the Crerar Neighbourhood. The lands of South Hill -Phase I are located south of Rymal Road West and west of Upper James Street in the Kennedy East Neighbourhood.

**M. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE -  
Designation - Zion United Church.**

The Committee was in receipt of a report from the Secretary of L.A.C.A.C. dated 1991 June 28, respecting the above-noted matter and approved the following:

- (a) That approval be given to the "Intent to Designate" Zion United Church at 69 Pearl Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto and marked as Appendix "A"; and,
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

**N. MANAGER OF PURCHASING - Landscaping and Construction of Park  
Maintenance Building, Stipeley/Crown Point West P.R.I.D.E., Phase 2.**

The Committee was in receipt of a report from the Manager of Purchasing dated 1991 July 19, respecting the above-noted matter and approved the following:

That a purchase order be issued to P.L.C. Construction, Hamilton, in the amount of \$55,508.39 including all taxes being the lowest of five (5) quotations received, to landscape and construct a park maintenance building, Stipeley/Crown Point West P.R.I.D.E. Phase 2, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed through Stipeley/Crown Point West P.R.I.D.E. Account No. CF5200 428902002.



O. DIRECTOR OF PUBLIC WORKS - Confirmation of action taken in removing an Information Kiosk located at the north/west corner of John and King William Streets.

The Committee was in receipt of a report from the Director of Public Works dated 1991 July 9, respecting the above-noted matter and approved the following

That City Council confirm the action of the Public Works Department in removing the information kiosk located at the north west corner of John and King William Streets abutting the Windsor Hotel at an approximate cost to the Department of \$400.00.

REGULAR AGENDA

2. ALDERMAN M. KISS - Kirkendall/Strathcona Neighbourhood Association - The Roundhouse.

Alderman Kiss spoke to the Committee respecting the former maintenance facility on the C.P. Rail property, popularly known as the Round House. Pictures of the Round House, a map on its location and newspaper articles about it were distributed to members of the Committee. Mrs. Nina Chapple, Architectural Historian, Planning Department, also spoke to the Committee respecting this property.

Following discussion on this matter, the Committee approved the following recommendation:

- (a) That representatives from L.A.C.A.C. be authorized to meet with C.P. Rail to request a 3 month delay in the demolition of the former maintenance facility on their property on Aberdeen Avenue, popularly known as "the roundhouse" for the purpose of preserving this building; and,
- (b) That representatives from L.A.C.A.C. be authorized to contact the appropriate Provincial Government Ministry Officials to discuss the possibility of adapting "the roundhouse" for use as the Provincially proposed Workers' Museum.

BUILDING COMMISSIONER

3. Emergency Loan Programme extension.

The Committee was in receipt of a report from the Loans Division of the Building Department dated 1991 July 2, respecting the above-noted matter and approved the following:

That the City of Hamilton's Emergency Loan Programme be amended to include, as an eligible expense, the installation of recycled equipment for the disabled.

4. Amendment to Administrative Charges.

The Committee was in receipt of a report from the Building Commissioner dated 1991 June 28, respecting the above-noted matter.

Alderman Merling spoke to this and requested that the amounts for a combined certification of Zoning Verification and Property Report be increased from the recommended amount of \$70.00, to an amount of \$80.00. The Committee then approved the following amended recommendation:

That the Building Commissioner be authorized and directed to collect the following amended administrative charges:

- (a) Combined Certification of Zoning Verification and Property Report ..... \$80.00
- (b) Property Plans (Microfiche):
  - For Single Family ..... \$10.00
  - For Others ..... \$40.00

5. Demolition - 105 Aberdeen Avenue. (Information on status)

The Committee was in receipt of an Information Report from the Building Commissioner, respecting the above-noted matter.

Some discussion ensued on this with a verbal report as well from the Building Department's staff. The Committee agreed to receive this report for information.

DIRECTOR OF PUBLIC WORKS

6. Programme for renewal, improvement, development and economic revitalization (P.R.I.D.E.) Anti-Recession (previously tabled).

The Committee was in receipt of a report from the Director of Public Works dated 1991 July 9, respecting the above-noted matter.

Ms. J. McNeilly of the Community Renewal Section of the Public Works Department spoke to this matter and indicated that the City's share of \$400,000.00 would be funded from existing 1991 Capital Budget Accounts for projects which have already been scheduled for reconstruction in those areas designated as Community Improvement Project and Redevelopment Areas. The Committee then approved the following recommendation:

- (a) That the eight hundred thousand dollars (\$800,000.00) for the P.R.I.D.E., Anti-Recession Programme previously approved by City Council on 1991 March 26 be allocated on the following:

Wheelchair Ramps	\$200,000.00
Hard Service Treatment to Kelly and Elgin Streets in the Central/Beasley Neighbourhood	100,000.00
Trees and Grates	100,000.00
Sidewalk Reconstruction	<u>400,000.00</u>

Total \$800,000.00

- (b) That the City's portion of the Anti-Recession Programme in the amount of four hundred thousand dollars (\$400,000.00) be funded from existing 1991 Capital Budget accounts for projects which were already scheduled for reconstruction in those areas designated as Community Improvement Project and Redevelopment Areas as defined in the Planning Act and approved by the Ministry of Municipal Affairs for expenditure of the grant funds.

**DIRECTOR OF PROPERTY****7. Ground Lease Amending Agreement - Lloyd D. Jackson Square - 4th Phase Loading Dock.**

The Committee was in receipt of a report from the Director of Property dated 1991 July 10, respecting the above-noted matter and approved the following:

- (a) That the City enter into a Lease Amending Agreement dated 1987 September 2, with Fourth Phase Civic Square Limited as "Lessee" and Yale Properties Limited as "Guarantor" in the form attached hereto as Appendix "B" which amends the Ground Lease between the parties hereto dated 1981 June 1, and confirms the location of the loading dock as constructed adjacent to the Copps Coliseum Truck Tunnel and servicing Fourth Phase Jackson Square and the Sheraton Hamilton Hotel, amends the references and description of the loading dock, and confirms provisions relating to the leasing of an access corridor to the loading dock by Fourth Phase to the Sheraton Hamilton Hotel.
- (b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

**8. Sale of City-owned land at 10, 12, 14, 24 Gerrard and 221 Brant Street to Philip Enterprises Inc. and termination of lease for 10, 12, 14, 24 Gerrard with Philip Enterprises.**

The Committee was in receipt of a report from the Director of Property dated 1991 July 16, respecting the above-noted matter and approved the following:

- (a) That an Offer to Purchase executed by Philip Enterprises Inc., on 1991 July 5, and scheduled for closing on or before 1991 September 20, for the purchase of owned land being Firstly: Lot 34, Plan 471 having a frontage on the southerly limit of Gerrard Street of 8.13 metres (26.67 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 198.21 square metres (2,133.6 square feet) more or less, known as Municipal No. 10 Gerrard Street, Hamilton, Ontario.

Secondly: Lot 35, Plan 471 having a frontage on the southerly limit of Gerrard Street of 7.315 metres (24 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 178.36 square metres (1,920 square feet) more or less, known as Municipal No. 12 Gerrard Street, Hamilton, Ontario.

Thirdly: Part of Lot 36, Plan 471 having a frontage on the southerly limits of Gerrard Street of 7.315 metres (24 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 178.368 square metres (1,920 square feet) more or less, known as Municipal No. 14 Gerrard Street, Hamilton, Ontario.

Fourthly: Part of Lots 40 and 41, Plan 471, having a frontage on the southerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 141.2 square metres (1,520 square feet) more or less, known as Municipal No. 24 Gerrard Street, Hamilton, Ontario.



Fifthly: Part of Lots 71 and all of Lot 72, Plan 471 or more specifically Part 7 on Plan 62R-10240, having a frontage along the northern limit of Brant Street of 9.144 metres (30 feet) more or less, by a depth of 24.38 metres (80 feet) more or less, containing an area of 223.0 square metres (2,400 square feet) more or less, known as Municipal No. 221 Brant Street, Hamilton, Ontario. The purchase price is \$268,950.00. A deposit cheque in the amount of \$26,985.00 is being held by the City Treasurer pending Council approval with proceeds to be credited to Account Number CF4402 308750001 (Land Sales - Enclave Clearance Program), be approved, and further;

- (b) That the lease with Philip Enterprises Inc., for the City owned lands at 10, 12, 14 and 24 Gerrard Street be terminated on the date of closing of the purchase of these lands by Philip Enterprises Inc.

#### REQUEST FROM CITY COUNCIL

9. City Initiative to rezone City-owned property at 1100 Limeridge Road East.

The Committee was in receipt of a request from City Council respecting the above-noted matter and approved the following recommendation:

That the Planning and Development Committee be requested to initiate a rezoning of the parcel of land known municipally as 1100 Limeridge Road East to permit the development of a 57 unit senior citizens low-rise apartment building.

#### RESOLUTIONS

10. Co-Operative Housing Federation of Canada - continuation of government sponsored non profit co-op housing.

The Committee was in receipt of correspondence from the Co-Operative Housing Federation of Canada dated 1991 June 17, respecting the above-noted matter. The Committee was also in receipt of a report from the General Manager of the Housing Department dated 1991 June 25, commenting on this resolution and recommending that if the Committee wished to endorse the resolution, that they should amend it by deleting the wording in the last sentence "without economic or social barriers" to be replaced by the words "low and moderate income Canadians". Mr. Mark Mascarenhas, General Manager of the Housing Department, spoke briefly to the Committee with respect to his report and his recommendation and the Committee approved the following resolution with his recommended amendment:

That the City of Hamilton endorse the following amended resolution of the Co-Operative Housing Federation of Canada which deletes the words "without economic or social barriers" and inserts in lieu thereof the words "low and moderate income Canadians".

WHEREAS many Canadians experience serious housing problems; and

WHEREAS the Federal Non-Profit Co-operative Housing Program is the last direct non-profit housing program funded by the Government of Canada; and

WHEREAS a 1990 evaluation conducted by the Canada Mortgage and Housing Corporation has shown co-op housing to be highly successful in creating healthy mixed-income communities; and

WHEREAS co-operative housing is an important alternative for the 38% of Canadians who are not homeowners; and

WHEREAS the index-linked mortgage, introduced in Canada by the co-op housing sector, has substantially reduced the cost to the government of producing non-profit co-op housing;

BE IT RESOLVED THAT the City of Hamilton ask the Government of Canada to commit itself to sponsoring at least 5,000 new non-profit co-op housing units a year and that its co-op housing program allow for access to co-operative housing by all low and moderate income Canadians.

**11. City of Scarborough - Second Units: Requested Provincial Government Action.**

The Committee was in receipt of correspondence from the City of Scarborough, respecting the above-noted matter. The Committee was also in receipt of a report on this resolution from the Commissioner of Planning and Development dated 1991 July 10.

The Director of Local Planning spoke to the Committee with respect to this resolution and his recommendation to the Committee was to take no action but receive this resolution for information. The Committee then approved the following recommendation:

That the resolution from the City of Scarborough attached hereto and marked Appendix "C", respecting a request for Provincial Government action on second units, be received.

**REQUEST FOR COMMENTS**

**12. Regional Chairman's Task Force on Affordable Housing.**

The Committee was in receipt of a request from the Chairperson of the Regional Chairman's Task Force on Affordable Housing dated 1991 June 21, requesting comment on their recently published final report. The Committee was also in receipt of a report on this Task Force document from the Commissioner of Planning and Development dated 1991 July 17. The Director of Local Planning outlined his Department's concerns with respect to a few of the items included in the Task Force Report and following some discussion on this matter, the Committee approved the following:

- (a) That the comments contained in the Staff report reviewing the "Final Report of the Regional Chairman's Task Force on Affordable Housing", attached hereto and marked as Appendix "D", be endorsed; and,
- (b) That the Chairman's Task Force on Affordable Housing and Regional Council be so advised of City Council's endorsement.

**COMMISSIONER OF PLANNING AND DEVELOPMENT**

**13. Proposed Official Plan Amendment and Rezoning, south side of Spring Gardens Road (former Easterbrook Property), City of Burlington.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 10, respecting the above-noted matter and approved the following:

That the City Clerk be directed to inform the City of Burlington that the City of Hamilton does not object to the proposed Official Plan Amendment and rezoning for the lands located on the south side of Spring Gardens Road, City of Burlington.

14. Authorization for Public Meeting - Carter Square Neighbourhood Plan Amendment, Beasley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 18, respecting the above-noted matter and approved the following:

- (a) That the Planning and Development Committee authorize a public meeting on the proposal for a Neighbourhood Plan Amendment in the Beasley Neighbourhood; and,
- (b) That the Planning and Development Committee endorse the establishment of a Committee consisting of two representatives each from the Central/Beasley Citizen's Advisory Committee, C.A.P.I.C., Ferguson Avenue Streetscaping Committee and the Urban Design Committee as well as other stakeholders to provide input into the Neighbourhood Plan Review; and,
- (c) That findings of this Neighbourhood Plan amendment be incorporated into the Central/Beasley Neighbourhood Plan review, scheduled for initiation this fall.

ZONING APPLICATIONS

15. Zoning Application 89-105, Di Cenzo Construction, owner, for a change in zoning from "AA" to "C" for land in the area north of Rymal Road East and west of Upper Gage Avenue; Eleanor Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 8, respecting the above-noted matter.

A representative from A. J. Clarke & Associates was in attendance on behalf of the owner to speak to their Zoning Application.

The Committee approved the following:

That approval be given to Zoning Application 89-105, DiCenzo Construction, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for lands located in the area north of Rymal Road East and west of Upper Gage Avenue, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



16. Subdivision Application 25T-88037 and Zoning Application 91-21, Rymal Gardens Inc., owner, for a change in zoning from "C" to "R-4" and "RT-20" for land in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street; Chappel West Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 15, respecting the above-noted matter.

Report of the circularization was given as follows:

31 notices sent      2 in favour    0 opposed

The Solicitor for the applicant was in attendance and gave a lengthy presentation on why their application should be approved. He also distributed a submission document with respect to their request for approval.

The Committee was in receipt of submissions from the following:

- (a) Hamilton Board of Education
- (b) Trans Canada Pipeline

Considerable discussion ensued on this matter and the Committee approved the following:

- (A) That Zoning Application 91-21, Rymal Gardens Inc. (Vincent DeBenedictis, President), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District (Block "2"), to permit "small lot" single-family dwellings on Block "1" and townhouses on Block "2", for property located in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street, as shown on the attached map marked as Appendix "F", be denied, for the following reasons:
  - (a) It conflicts with the intent of the approved Chappel West Neighbourhood Plan which designates Block "2" on the attached Appendix "F" for "Single and Double" residential use;
  - (b) Approval of the proposed townhouse development would encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and alter the character of the area;
  - (c) Approval of the proposed townhouse development would result in the establishment of townhouses along both sides of the proposed extension of Upper Wentworth Street in the area south of Rymal Road East, except for a small park site, which represents an overintensification of use. In this regard, the proposed townhouse development would yield more than twice the density proposed by the Chappel West Neighbourhood Plan for this Block of land, (approximately 85 units as opposed to only 34 units, provided by the draft approved plan of subdivision.)
- (B) That the revised Subdivision Application Plan "The Gardens of Rymal", Rymal Gardens Inc., owner, under Regional File No. 25T-88037 showing blocks for townhouse development, be denied.

17. Zoning Application 91-20, F. Manganiello (In Trust), owner, for a change in zoning from "L-mr-2" to "H" for properties at 87, 89, 91, 93, 95 Wellington Street North and 216 Wilson Street; Beasley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 28, respecting the above-noted matter.

The Committee was also in receipt of a letter of submission from William Kieswetter, Property Manager, Freure, owners of property at 82-90 Wellington Street North.

Report of the circularization was given as follows:

866 notices sent      40 in favour      6 opposed

The owner spoke to the Committee with respect to his frustration at his attempts to run a business in Hamilton and requested consideration of approval of his application.

The Committee discussed this and made the following denial recommendation:

That Zoning Application 91-20, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District modified, to construct a two-storey office building having a gross floor area of 632 m<sup>2</sup>, for property located at 87, 89, 91, 93 and 95 Wellington Street North and 216 Wilson Street, as shown on the attached map marked as Appendix "G", be denied for the following reasons:

- (a) It does not comply with the intent of the Official Plan and conflicts with the intent of the approved Beasley Neighbourhood Plan which designates the land for "High Density Apartments";
- (b) It conflicts with the intent of the Zoning By-law, in that the "L-mr-2" District functions as a holding zone for future medium and high density multiple residential dwellings. The "L-mr-2" District regulations clearly delineate those zoning districts to which an "L-mr-2" zoned property can be rezoned (i.e. "E", "E-1" and "E-3"). The requested "H" District is contrary to the intent of the "L-mr-2" holding zone;
- (c) Most of the adjoining lands are either being used for residential purposes or are designated for residential purposes. The proposed office building would be incompatible with the land uses existing/proposed in the area;
- (d) Approval of the application would set an undesirable precedent and may encourage other similar applications which, if approved, would undermine the intent of the zoning by-law and alter the character of the area; and,
- (e) It conflicts with the position of City Council, adopted 1990 April 10, to deny the application to permit the development of the lands for commercial purposes.

18. Zoning Application 91-25, W. Zolis, owner, for a modification to the "M-13" District regulations for property at 1175 Stone Church Road East; Trenholme Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 11, respecting the above-noted matter.

Mr. Kozar, a representative for the owner was in attendance to speak to this application.

The Committee then approved the following recommendation:

That approval be given to amended Zoning Application 91-25, William Zolis, owner, for a modification to the "M-13" (Prestige Industrial) District regulations to permit additional commercial uses on the property located at 1175 Stone Church Road East, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 17E(1) (c) of By-law No. 6593, the following commercial uses shall be permitted:

<u>Uses</u>	<u>SIG Identification</u>
(1.) Office and Store Machinery, Equipment and Supplies, Wholesale	5791
(2.) Bakery Products Stores	6013
(3.) Appliance, Television, Radio and Stereo Stores	6221
(4.) Floor Covering Stores	6231
(5.) Home and Auto Supply Stores	6341
(6.) General Stores	6412
(7.) Hardware Stores	6531
(8.) Paint, Glass, and Wallpaper Stores	6532
(9.) Sporting Goods Stores	6541
(10.) Other Banking-Type Intermediaries	7029
(11.) Insurance & Real Estate Agencies	7611
(12.) Offices of Chartered and Certified Accountants	7731
(13.) Offices of Chiropractors and Osteopaths	8661
(14.) Restaurants, Licensed	9211
(15.) Restaurants, Unlicensed (Including Drive-Ins)	9212
(16.) Take-Out Food Services	9213
(17.) Combination Barber and Beauty Shops	9713
(18.) Self-Serve Laundries and/or Dry Cleaners	9723
(19.) Other Machinery and Equipment Rental and Leasing	9919

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1236, and that the subject lands on Zoning District Map E-59C be notated as S-1236.



- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for submission to City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

19. Zoning Application 91-29, L. Di Marcantonio, owner, for a modification to the "M-14" District regulations for property at 90 Lancing Drive, Rymal Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 27, respecting the above-noted matter.

Report of the circularization was given as follows:

121 notices sent      8 in favour    3 opposed

The owners of the property were in attendance and indicated that they were in agreement with the staff recommendation to approve their application.

Mr. Ken Graham, tenant, 90 Lancing Drive, Unit 3, as well as an owner of Lot 34 Hemstreet spoke in opposition to the application. He indicated that he feels that the "M-14" permissable uses presently in effect protect them from certain types of uses, such as automotive repairs which are being recommended for approval. He indicated that he is a General Contractor and that parking at the site is very tight now and extra uses would impact on that situation. He also indicated that he is concerned at the ricochet effect this approval would have as it is his belief that automobile uses do not conform in the "M-14" district.

Jim Harvey, tenant, at 90 Lancing Drive, Unit 1, also spoke in opposition. He indicated that he is a Plumbing Contractor and has many of the same concerns about this application as Mr. Graham has. He added that he is opposed to the automobile use and that there are many empty buildings in the area now which could be better used for this type of use.

Mr. Dave Thomas, owner of property at 75 Lancing Drive, indicated that he is opposed to this application. He indicated that he is presently attempting to build a structure on his property and has run into many difficulties. He indicated that parking on the applicant's site is very tight now and that the building was made too large for the site, but legalized by adjustments. He added that the property at 90 Lancing Drive is not suitable for automobile use.

The owner of the property then responded and indicated that parking is always available on his property and that he only has 1 unit unoccupied presently. He added that he feels that the objections of this tenants are of a personal nature.

The Committee then discussed this matter and approved the application as follows:

That approval be given to Zoning Application 91-29, Luciano Di Marcantonio, owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations, to permit a an auto service centre (muffler replacement shop, motor vehicle transmission repair and replacement shop and other motor vehicle repair shops) and to remove the 83.5 m<sup>2</sup> restriction for offices accessory to the principle uses, for the property located at 90 Lancing Drive, as shown on the attached map marked as Appendix "T", on the following basis:

- (a) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F, of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 17F(1)(b) of Zoning By-law No. 6593, the following Commercial Uses shall be permitted:

<u>Commercial Use</u>	<u>Standard Industrial Classification Code</u>
(1.) Muffler Replacement Shop	6353
(2.) Motor Vehicle Transmission Repair and Replacement Shop	6355
(3.) Other Motor Vehicle Repair Shops	6359

- (ii) That notwithstanding Section 17F(1)(d)(1), the gross floor area restriction for accessory offices shall not apply.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1237, and that the subject lands on Zoning District Map E-59D be notated S-1237;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

20. Zoning Application 91-33, C. Del Sordo, owner, for a modification to the "M-14" District regulations for property at 135 Nebo Road, Rymal Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 28, respecting the above-noted matter.

Mr. P. Del Sordo, representative for the owner, was in attendance to speak to the application.

The Committee approved the following:

That approval be given to Zoning Application 91-33, Carlo Del Sordo, owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations, to permit a public garage and an auto body repair shop, for the property located at 135 Nebo Road, as shown on the attached map marked as Appendix "J", on the following basis:

- (a) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F, of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 17F(1)(b) of Zoning By-law No. 6593, the following Commercial Uses shall be permitted:

<u>Commercial Use</u>	<u>Standard Industrial Classification Code</u>
(1.) Garages (General Repairs)	6351
(2.) Paint and Body Repair Shops	6352

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1238, and that the subject lands on Zoning District Map E-59D be notated S-1238;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

21. Zoning Application 91-06, M. and L. Spandonidis, owners, for a modification to the "C" District regulations for property at 21 Lottridge Street; Stipeley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 11, respecting the above-noted matter.

The Committee was also in receipt of a letter of submission from E. Pond, 25 Lottridge Street.

Mr. Wellenreiter, Solicitor for the owners, was in attendance and spoke to the Committee with respect to his request to have the application approved. He also submitted a petition signed by area residents saying that they are in favour of the application. He indicated that one of the reasons for not recommending approval is that parking could not be provided, and that he indicated that parking would be an impossibility for any of the homes in the area due to the denseness of the area. He indicated that this type of parking accommodation should be provided by the City in this area.

The Committee then approved the following denial recommendation

That Zoning Application 91-06, Maria and Labros Spandonidis, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit conversion of the existing building to a two-family dwelling, for property located at 21 Lottridge Street, as shown on the attached map marked as Appendix "K", be denied for the following reasons:

- (a) It conflicts with the intent of Policy C.7.1 i) of the Official Plan in that adequate off-street parking cannot be provided;
- (b) It is an overintensification of land use in that no on-site parking is being provided whereas two parking spaces are required. Further, the application conflicts with the intent of the Zoning By-law in that the property does not meet the minimum lot area requirement for a converted dwelling (270 m<sup>2</sup> required vs 173.11 m<sup>2</sup>). Also, an addition was constructed to increase the cubic contents of the building, contrary to Section 19(ii) of the Zoning By-law; and,
- (c) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area.
- (d) That the appropriate staff (Law and Planning Departments) be directed to represent the City at the Ontario Municipal Board Hearing scheduled for August 21, 1991, respecting Committee of Adjustment File A-258-89.



22. Zoning Application 91-23, 766284 Ontario Ltd. ( A. Goulding and H. Jacobs), owners, for changes in zoning from "AA" and "G-3" to "E" for land at the rear of 141 Highway No. 8; Riverdale East Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 July 17, respecting the above-noted matter.

The Committee was also in receipt of a submission from Mr. & Mrs. Johnstone, 271 Highridge Avenue, Stoney Creek.

Report of the circularization was given as follows:

59 notices sent      13 in favour      19 opposed

Mr. John Ariens, Planning Consultant with Planning Initiatives, Mr. Goulding, one of the owners, and Mr. Sarteck, Solicitor for the owners were in attendance to speak to the Committee with respect to their respect for approval.

Mr. Ariens was the spokesperson and presented a lengthy overview on why their application should be approved. He indicated that a dual residential/commercial use was established sometime ago and that their application for residential is in fact a downzoning from that. He indicated that they have been working with staff on this application for several years. He also distributed copies of a chart presentation on the proposal along with a newspaper article emphasizing the need for the type of housing that they would put on the site. Mr. Ariens also indicated that the height of the buildings do not affect the area and that in fact they have downscaled their proposal from 12 floors to 5. He also indicated that landscaping of mature trees can easily be done to enhance the site. Mr. Ariens indicated that there is sufficient surrounding parkland and schools in the area conducive to their residential proposal.

Mr. William Fleet, 6 Federal Street, spoke to the Committee in opposition to the application and questioned why the sign was on the Stoney Creek property originally, then moved a few weeks ago to the Hamilton property. The staff clarified that the sign was moved by the applicants as per the City's request.

Mr. Fleet further added that schools are already overcongested now and that the lot is very unkempt and residents in the area are having to maintain it. He concluded by indicating that he is very much opposed to this proposal as a 5 year resident of the area who moved there to avoid high-rise environments.

The owner of the property at 418 Birkendale spoke in opposition to the application and indicated that this building would be across from her home.

A representative from Adisco, spoke to the Committee and requested clarification that their lands would be set apart from the present application before the Committee and staff confirmed that this was in fact the case.

An owner of property at Federal Street, spoke in opposition to the application.

The owner of property on Federal Street quoted from a Stoney Creek newspaper article which spoke in opposition to the application.

The owners then responded and indicated that there have been no objections from the School Board on their application and that transportation is available and that this development will not affect those areas. They added that the residential component proposed for the property is much better than the commercial use which could be placed on the property.

Mr. Goulding, one of the owners, spoke and indicated that the sewer work referred to by Mr. Fleet, has been completed and indicated that they have tried to work with all parties concerned to meet the needs of everyone in developing this land and requested approval of their application.

The Committee then discussed this matter and approved the following denial recommendation:

That Zoning Application 91-23, 766284 Ontario Ltd. (A. Goulding), requesting a change in zoning from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Blocks "1" and "2"), and from "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "3"), to permit the development of the subject lands for a 5 storey, 50 unit apartment building, for the property located at 141 Queenston Road, as shown on the attached map marked as Appendix "L", be denied for the following reasons:

- (a) It conflicts with the intent of the Official Plan, in that the height and bulk of development would not integrate with the surrounding area, and is incompatible with the existing and proposed uses;
- (b) It conflicts with the intent of the approved Riverdale East Neighbourhood Plan which designates the lands "Commercial-Special Provisions." In this regard, it is intended that these lands be consolidated/developed with the commercial lands fronting on Queenston Road; and,
- (c) The preliminary site plan indicates that 13 of the 89 required parking spaces (24 spaces for the commercial and 65 spaces for the residential) will be located on the Stoney Creek lands to the east. This arrangement is unsuitable in that insufficient parking will be provided on-site. Furthermore, it is contrary to the Zoning By-law which prohibits access for a commercial development within a residential district.
- (d) That the City Clerk be authorized to notify the City of Stoney Creek of City Council's decision.

23. Zoning Application 91-27, John Paisley (In Trust), owner, for a request for the removal of the "H" (Holding) symbol for 1405, 1411, and 1417 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 June 26, respecting the above-noted matter and approved the following:

That approval be given to Zoning Application 91-27, John Paisley in Trust, owner, requesting the removal of the 'H' (Holding) symbol under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a by-law for submission to City Council for property located at 1405, 1411 and 1417 Upper James Street, as shown on the attached map marked as Appendix "M".

**OTHER BUSINESS****Alderman Don Drury - Zoning By-law for Property at 1 Prospect Street South**

Alderman Drury spoke to the Committee with respect to his concerns at a recently approved Zoning By-law for property at 1 Prospect Street South, which required the provision of 2 parking spots in order that the By-law be granted. He indicated that it is his understanding that these parking spots are in place but are not being used by the apartment dwellers, but rather rented out to neighbouring persons. He asked for some direction from staff on what could be done about this and it was indicated by Willy Wong of the Building Department that there were methods that could be used to ensure that the By-law requirement of providing these spots for the tenants of the apartment building at 1 Prospect Street South were in fact adhered to.

**ADJOURNMENT**

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN F. LOMBARDO, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1991 July 24



# FOR ACTION

B

**REPORT TO:**

Ms. C. Coutts, Secretary  
Planning & Development Committee

**FROM:**

Mr. L. King, P. Eng.  
Community Development Department

**DATE:** 1991 August 13  
**DEPT FILE:** HERITAGE 62

**SUBJECT:**

City of Hamilton Heritage Programme -  
112 Aberdeen Ave., Hamilton

1991 14

**RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of Two thousand, three hundred and thirty-eight dollars (\$2,338.) be approved for Keltie Law, 112 Aberdeen Ave., Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of Two thousand, three hundred and thirty-eight dollars (\$2,338.) be provided to Keltie Law, 112 Aberdeen Ave., Hamilton.

  
Mr. L. King, Building Commissioner

**FINANCIAL IMPLICATIONS [N/A]:**

N/A

**BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1989 October 10. The owners of the designated property located at 112 Aberdeen Ave. have applied under the Programme for porch repair.

**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of J. Dollak & Sons estimates.**

**The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$2,338., and a Community Trust Fund loan in the amount of \$2,338. at 6 percent interest be approved. The monthly payments will be \$25.96 amortized over 10 years.**

**The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$4,676.**

**c.c. R. Camani, Treasury Department**

# FOR ACTION

C

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning & Development Committee

**FROM:** Mr. L. King, P. Eng. **DATE:** 1991 August 13  
Community Development Department **DEPT FILE:** HERITAGE 72

**SUBJECT:** City of Hamilton Heritage Programme -  
219 Ferguson Ave. S., Hamilton

276 14 1991

## **RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of four hundred and twelve dollars (\$412.) be approved for Betty Jean Carlyle, 219 Ferguson Ave. S., Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of four hundred and twelve dollars (\$412.) be provided to Betty Jean Carlyle, 219 Ferguson Ave. S., Hamilton.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 219 Ferguson Ave. S. have applied under the Programme for painting of the exterior trim and windows.



**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro-Plus Painting.**

**The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$412., and a Community Trust Fund loan in the amount of \$412. at 6 percent interest be approved. The monthly payments will be \$18.26 amortized over 10 years.**

**The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$825.**

**c.c. R. Camani, Treasury Department**

# FOR ACTION

D

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning & Development Committee

**FROM:** Mr. L. King, P. Eng. **DATE:** 1991 August 13  
Community Development Department **DEPT FILE:** HERITAGE 73

**SUBJECT:** City of Hamilton Heritage Programme -  
221 Ferguson Ave. S., Hamilton

1991

## **RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and fifty dollars (\$350.) be approved for Ilze Dreimanus, 221 Ferguson Ave. S., Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three hundred and fifty dollars (\$350.) be provided to Ilze Dreimanus, 221 Ferguson Ave. S., Hamilton.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 221 Ferguson Ave. S. have applied under the Programme for painting of the exterior trim and windows.

**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro-Plus Painting.**

**The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$350., and a Community Trust Fund loan in the amount of \$350. at 6 percent interest be approved. The monthly payments will be \$15.51 amortized over 10 years.**

**The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$700.**

**c.c. R. Camani, Treasury Department**



# FOR ACTION

E

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning & Development Committee

**FROM:** Mr. L. King, P. Eng. **DATE:** 1991 August 13  
Community Development Department **DEPT FILE:** HERITAGE 68

**SUBJECT:** City of Hamilton Heritage Programme -  
223 Ferguson Ave. S., Hamilton

AUG 14 1991

## **RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and thirty-seven dollars (\$337.) be approved for Ms. P. L. Preston, 223 Ferguson Ave. S., Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three hundred and thirty-seven dollars (\$337.) be provided to Ms. P. L. Preston, 223 Ferguson Ave. S., Hamilton.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 223 Ferguson Ave. S. have applied under the Programme for painting of the exterior trim and windows.

**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro-Plus Painting.**

**The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$337., and a Community Trust Fund loan in the amount of \$337. at 6 percent interest be approved. The monthly payments will be \$14.94 amortized over 10 years.**

**The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$675.**

**c.c. R. Camani, Treasury Department**

# FOR ACTION

F

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning & Development Committee

**FROM:** Mr. L. King, P. Eng. **DATE:** 1991 August 13  
Community Development Department **DEPT FILE:** HERITAGE 70

**SUBJECT:** City of Hamilton Heritage Programme -  
225 Ferguson Ave. S., Hamilton

## **RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and thirty-seven dollars (\$337.) be approved for Mr. Hugh Caughey, 225 Ferguson Ave. S., Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three hundred and thirty-seven dollars (\$337.) be provided to Mr. Hugh Caughey, 225 Ferguson Ave. S., Hamilton.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 225 Ferguson Ave. S. have applied under the Programme for painting of the exterior trim and windows.



**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro-Plus Painting.**

**The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$337., and a Community Trust Fund loan in the amount of \$337. at 6 percent interest be approved. The monthly payments will be \$14.94 amortized over 10 years.**

**The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$675.**

**c.c. R. Camani, Treasury Department**

# FOR ACTION

G

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning & Development Committee

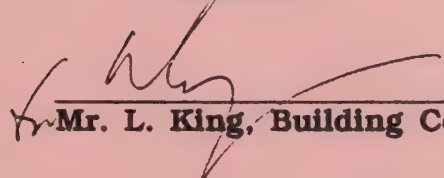
**FROM:** Mr. L. King, P. Eng. **DATE:** 1991 August 13  
Community Development Department **DEPT FILE:** HERITAGE 71

**SUBJECT:** City of Hamilton Heritage Programme -  
227 Ferguson Ave. S., Hamilton

## **RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and fifty dollars (\$350.) be approved for Elaine Elson, 227 Ferguson Ave. S., Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three hundred and fifty dollars (\$350.) be provided to Elaine Elson, 227 Ferguson Ave. S., Hamilton.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 227 Ferguson Ave. S. have applied under the Programme for painting of the exterior trim and windows.

**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro-Plus Painting.**

**The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$350., and a Community Trust Fund loan in the amount of \$350. at 6 percent interest be approved. The monthly payments will be \$15.51 amortized over 10 years.**

**The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$700.**

**c.c. R. Camani, Treasury Department**



# FOR ACTION

H

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning & Development Committee


**FROM:** Mr. L. King, P. Eng. **DATE:** 1991 August 13  
Community Development Department **DEPT FILE:** HERITAGE 67

**SUBJECT:** City of Hamilton Heritage Programme -  
33 Undermount Avenue, Hamilton

AUG 14 1991

## **RECOMMENDATION:**

That a Designated Property Grant in the amount of seven hundred and thirty-three dollars (\$733.) be provided to Alan Stacy, 33 Undermount Avenue, Hamilton.

  
Mr. L. King, Building Commissioner

## **FINANCIAL IMPLICATIONS (N/A):**

N/A

## **BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990. The owners of the designated property located at 112 Aberdeen Avenue have applied under the Programme for stucco repair.

**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Ashfield Contractors estimates.**

**The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$733.**

**c.c. R. Camani, Treasury Department**

# CITY OF HAMILTON

I

## — RECOMMENDATION —

DATE: 1991 August 6

REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

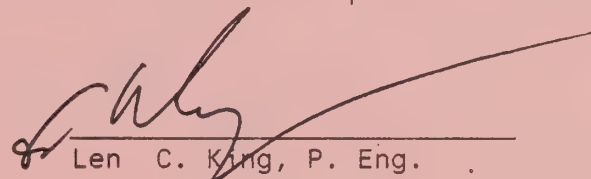
FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
185 Nash Road South - Tag Number 83750

AUG 13 1991

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 185 Nash Road South.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "AA/S-867" (Agricultural district) Modified

PRESENT USE: Single family dwelling (vacant)

PROPOSED USE: St. Joseph's Medical Centre (existing)

BRIEF DESCRIPTION: Two storey wood frame dwelling in fair condition.

It is the intention of the owner to demolish the existing single family dwelling so the land can be used for the existing St. Joseph's Medical Centre. Lot size 25.25 acres.

The owner of the property as per the demolition permit application is:

St. Joseph's Hospital  
50 Charlton Avenue East  
HAMILTON, Ontario  
L8N 4A6

91.2.4.2.1.A





# CITY OF HAMILTON

J

## - RECOMMENDATION -

DATE: 1991 August 6  
REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee  
FROM: Mr. Len C. King, P. Eng.  
Building Commissioner  
SUBJECT: Demolition of:  
644 Eaglewood Drive - Tag Number 83976

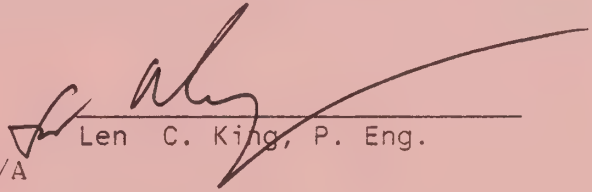
2013 13 1991

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 644 Eaglewood Drive.

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

  
Len C. King, P. Eng.

### BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.)

PRESENT USE: Single family dwelling (demolished)

PROPOSED USE: Single family dwelling

### BRIEF

### DESCRIPTION:

The dwelling has been demolished without the benefit of a demolition permit and an Order to Comply has already been issued to the owner. It is recommended that approval be given to issue a demolition permit because of the owner's misunderstanding that Land Division Committee approval also gave permission to demolish the existing house. Lot size 38.76' X 97.75'

The owner of the property as per the demolition permit application is:

Advantage Built Homes Limited

R.R. # 1

SMITHVILLE, Ontario

LOR 2A0

Attention: Doug English

Telephone: 957-7223

91.2.4.2.1.A





# CITY OF HAMILTON

K

## - RECOMMENDATION -

DATE: 1991 August 6

REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

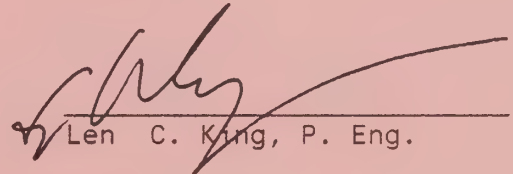
FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
1188 Rymal Road East - Tag Number 84041

1991

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1188 Rymal Road East.

  
Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "M-12/S-903" & "M-12/S-903a" (Prestige Industrial)

PRESENT USE: Single family dwelling (vacant)

PROPOSED USE: Retail Plaza

BRIEF DESCRIPTION: One storey wood frame dwelling in poor condition which is open to trespass.

It is the intention of the owner to demolish the existing single family dwelling to make room for a proposed retail plaza. Lot size 175.99' X 232.50'.

The owner of the property as per the demolition permit application is:

Paletta International  
21 Brockley Drive  
STONEY CREEK, Ontario  
L8E 3C3

Telephone: 560-2531



# CITY OF HAMILTON

L

## - RECOMMENDATION -

DATE: 1991 August 9

REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

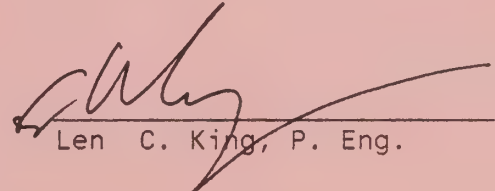
FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
99 Dundurn Street North - Tag Number 84146

1991

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 99 Dundurn Street North.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "D" (Urban protected residential, one and two family dwellings townhouses, etc.)

PRESENT USE: Single family dwelling (vacant)

PROPOSED USE: Single family dwelling

BRIEF DESCRIPTION: 1-1/2 storey frame dwelling in poor condition

It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. Lot size 33.00' X 132.00'.

The owner of the property as per the demolition permit application is:

Jose Grassa  
76 Dundurn St. North  
HAMILTON, Ontario  
L8R 3E3

Telephone: 523-4289





M

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

AUG 14 1991

**DATE:** 1991 August 13

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. G. Pavelka, P.Eng.  
Director of Public Works

**SUBJECT:** Jamesville B.I.A. Interim Board of Management

**RECOMMENDATION:**

- a) That By-Law Number 86-74, amended by By-law Number 87-147 appointing the Jamesville B.I.A. Board of Management be amended to delete the following names:

D. Robbins	Robbinex Capital Corporation
S. Leon	Irving's Famous Clothes Limited
P. Viana	Acadia Travel Services Inc.
L. Bornstein	Gordon & Son Furs Ltd.
M. Giammichele	Mario Custom Tailor
M. Morgenstern	Nandor-Morgenstern Enterprises Ltd.
H. Organ	Kohler's Rexall Drug Store
G. Ricca	Ricca's Furniture Ltd.
J. Sherman	Jerry's Man's Shop
K. Sherman	Anshel's
B. Miller	Miller's Shoe Store

and add the following:

P. Jovanovich	Copper John's Tavern
U. Wood	Bank of Montreal
G. Ricca	Ricca's Furniture
D. Lengyell	Biway

...../2

- b) That the City Solicitor be authorized and directed to amend By-Law Number 86-74, amended by By-Law No. 87-147 pursuant to (a) above.



J. G. Pavelka, P.Eng.  
Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

On 1991 June 25 City Council adopted a report recommending that the petition from the "Merchants of Jamesville" be received and that the City of Hamilton maintain its relationship with the Jamesville B.I.A. In accordance with this resolution, the Community Renewal Section, of the Public Works Department are continuing to meet with the existing Board of Management, and, as its normal practice when dealing with B.I.A.'s, all modifications to the Board of Management must be approved by Council.

As stated in Section 217, Sub-Section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management ..... is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

A meeting was held to ratify the interim Board of Management on 1991 June 05. A general meeting will be scheduled in the fall of 1991 to elect a new Board of Management. A complete list of the Board of Management as amended is attached as Schedule 'A'.

JMcN:bk





**JAMESVILLE B.I.A. BOARD OF MANAGEMENT**

**SCHEDULE 'A'**

P. Jovanovich  
V. Wood  
G. Ricca  
D. Lengyell  
R. Corsini

Copper John's Tavern  
Bank of Montreal  
Ricca's Furniture Ltd.  
Biway  
Corsini's Supermarket Ltd.



2

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** August 14, 1991  
P5-4-2-15

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

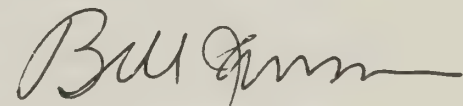
**SUBJECT:**

Ontario Rental Housing Protection Act - Application SE-91-001 to sever a lot containing 5 rental units at 15, 17 and 19 Strachan Street East, and 337 and 339 Hughson Street North in the North End East Neighbourhood.

**RECOMMENDATION:**

That approval be given to Rental Housing Protection Act Application SE-91-001, Barry Szajman, owner, for severing one property with five rental units into two properties containing 3 and 2 rental units at 15, 17 and 19 Strachan Street East; and, 337 and 339 Hughson Street North on the grounds that it does not adversely affect the supply of affordable rental housing in the Municipality and therefore, meets the conditions for approval under the Rental Housing Protection Act.

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
A. L. Georgieff, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



### **BACKGROUND:**

An application under the Ontario Rental Housing Protection Act respecting 15, 17 and 19 Strachan Street East; and, 337 and 339 Hughson Street North in the North End East Neighbourhood was submitted to the City on April 16, 1991. The proposal is to sever a property with 5 rental units into two separate parcels, with 3 rental units and 2 rental units, respectively. The proposed use of the severed properties is rental residential. The subject property is shown on the attached key map. The existing uses on the site include one 2 unit vacant rental residential building (semi-detached) fronting Hughson Street North and one 3 unit vacant rental residential building (row) fronting Strachan Street East.

### **APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:**

The Provincial Act exists to help preserve the existing supply to rental units, by regulating changes to rental units through severances, renovations, conversions and demolitions. The proposed severance of the subject property falls under the auspices of the Provincial Act, since:

- the buildings contain more than four units; and,
- the vacant units were previously used as rental residential.

### **LEGISLATION:**

The Rental Housing Protection Act, 1989, specifies that approval of applications must be made under one of the following criteria, as specified in Section (7) of the Ontario Regulation 586/89:

"7.-(1) The council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

1. Council finds that;
  - i. a rental property for which an application is made for demolition is structurally unsound, or
  - ii. a rental property for which an application is made for renovation or repair is structurally unsound at the time of the application and will continue to be structurally unsound if the renovation or repair proposed by the applicant is not carried out and, in the case where tenants are in occupation of the unit, that vacant possession is required to effect the renovation or repair.

2. The applicant agrees,
  - i. to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given, and
  - ii. to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.
3. In the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality."

#### **ANALYSIS:**

##### **1. Physical Condition of the Building**

The applicant is not seeking approval under this criterion. However, it should be noted that the building has had a history of being in a state of serious disrepair.

##### **2. Provision of Alternative and Replacement Accommodation**

Counsel for the applicant has advised that the owner is not able to provide replacement units. However, the applicant intends to retain each proposed new parcel as rental (i.e. a duplex and triplex).

##### **3. Impact on the Supply of Rental Housing**

Under the third criteria, City Council may approve a proposal which it considers does not adversely affect the supply of affordable rental housing. In this case the loss of five rental units from the protection of the Rental Housing Protection Act is not significant. The vacancy rate for Central Hamilton, as calculated by Canada Mortgage and Housing Corporation (CMHC) for April, 1991 was 3.3%. On the previous survey taken in October 1990, the vacancy rate for the same area was 5.7%. Furthermore, the specific vacancy rate for apartments containing 3 to 5 rental units (such as the subject property) in Central Hamilton was 4.4% in April 1991. This rate is up from 3.2% in October 1990.

The vacancy rate for the City of Hamilton was 1.6% in April, 1991 which is up from 1.4% in October 1990. The City's vacancy rate for buildings containing 3 to 5 units was 5.0% in April 1991, up from 2.9% in October, 1990.

The most recent average rents (estimated) for apartments containing 3 to 5 units in Central Hamilton in October, 1990 were calculated by CMHC as follows:

One bedroom -	\$399
Two bedroom -	\$553
Three bedroom -	\$571.

The applicant was unable to provide rents for the units on the subject property since the units were vacant for quite some time before he took vacant possession.

The Province has calculated "affordable" rents for the Hamilton Census Metropolitan area to be \$810 per month or less. Therefore, it is assumed that the rents for units on the subject property would be affordable, based on the large difference between average rents for the area and the Provincial figure of \$810.

***COMMENTS:***

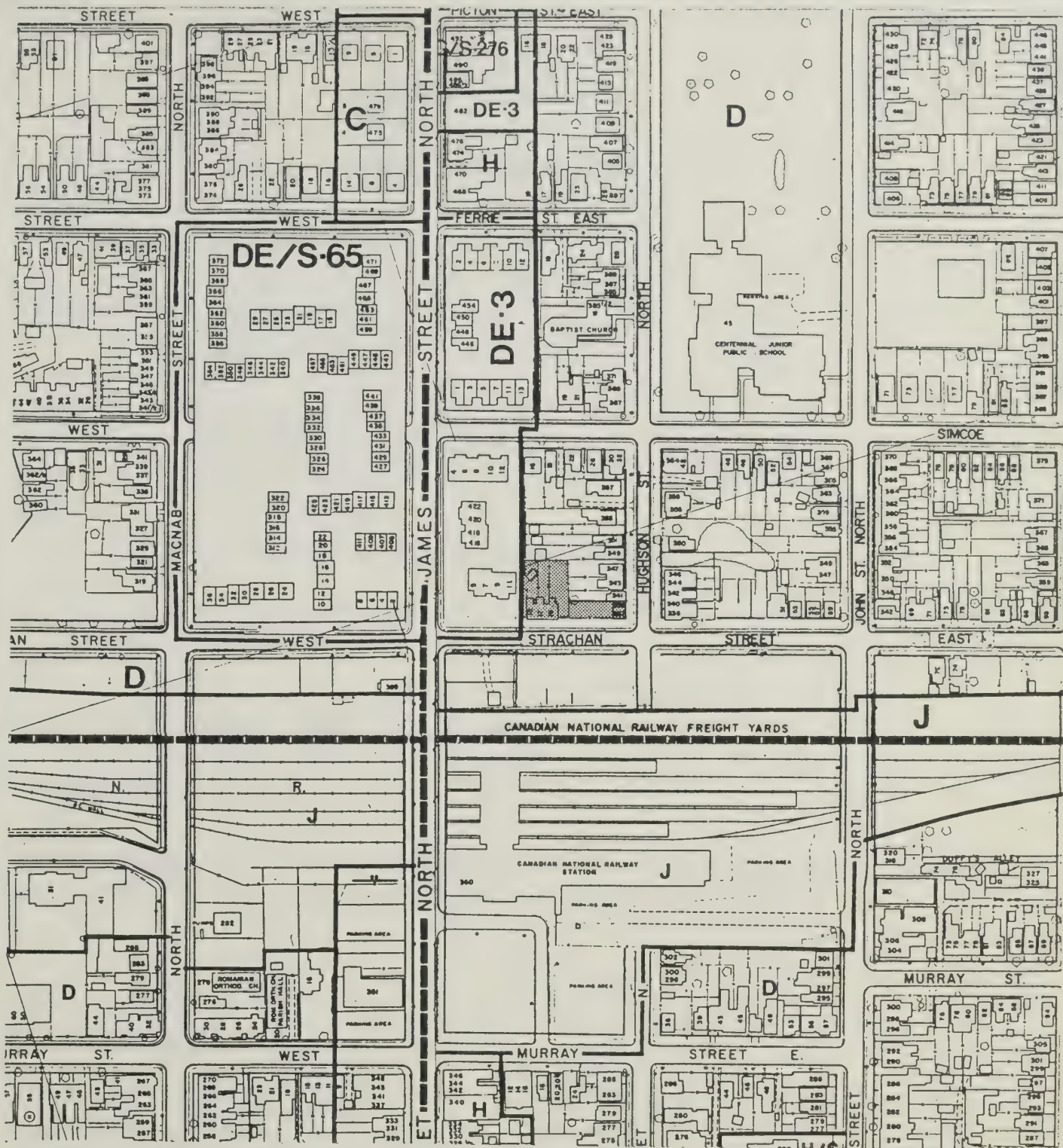
This application, as other applications under the Rental Housing Protection Act should be considered on its own merits. The CMHC statistics for Central Hamilton indicate that there is an adequate supply of affordable rental housing in this part of the City to meet demand. Therefore, if approved this application should have no impact on the rental market in terms of both supply and cost.

***CONCLUSION:***

The application should be approved since the removal of 5 rental units from the protection of the Rental Housing Protection Act will not adversely impact the supply of affordable rental housing in the City.

M.D.:ns  
RENTHOU.PRO





NOTE: Extract from North End East Neighbourhood Zoning

City of Hamilton

## Key Map

Rental Housing Protection Act

SE-91-001 15, 17, 19 Strachan Street East  
337, 339 Hughson Street North

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Location of Subject Lands

North



Scale  
NOT TO SCALE

Date  
AUGUST, 1991

Reference File No.  
SE-91-001

Drawn By  
L.B.



3a

CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** August 12, 1991  
P5-2-60

**REPORT TO:** Ms. Charlene Coutts, Secretary  
Planning and Development Committee

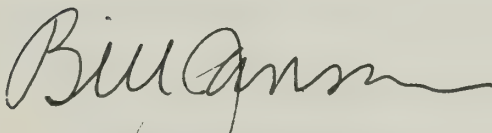
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

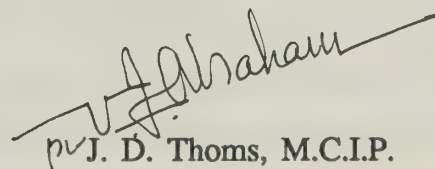
**SUBJECT:**

Proposed Plan - Hamilton Beach Neighbourhood

**RECOMMENDATION:**

That the Planning and Development Committee authorize a public meeting to discuss the proposed Hamilton Beach Neighbourhood Plan and Official Plan Amendment.

  
for A. L. Georgieff, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



***EXPLANATORY NOTE:***

The Hamilton Beach Concept Plan has identified the Beach as a mixed use area. Sanitary sewers will be extended to the Beach Neighbourhood during 1992-1993. Accordingly, a neighbourhood plan has been prepared. An Official Plan Amendment will be required to implement the land use designations contained in the neighbourhood plan.

***BACKGROUND:***

Hamilton Beach has existed for many years as a residential community, specifically:

- a permanent residential community including commercial and recreational uses has existed on the Beach since the 1920's;
- during the 1970's, in response to a major flood, the residents requested that the City purchase their homes;
- from 1974 to 1985 a property acquisition program was in effect, to purchase available properties for the creation of a park; and,
- acquisition of land for the park was stopped in 1985, as land costs were rising and the majority of remaining Beach residents wanted the preservation of the residential community.

The Hamilton Beach Concept Plan, completed in 1987, was prepared to determine the appropriate land use for the Beach. It concluded that the residential community should be retained and that sanitary sewers should be extended to enable the introduction of additional uses. The study also concluded that:

- a continuous recreation corridor including a pedestrian walkway and bicycle path be developed along the length of the Beach, on the lakefront, with access points at various locations;
- a variety of housing densities, parks and commercial areas be provided to support the expanded residential community; and,
- a green space buffer be provided adjacent to the Q.E.W.

The Concept Plan, approved by City Council and the H.R.C.A. provides a general framework to guide the development of the area. It also required that the details of specific housing densities and the location of commercial and other uses, be defined by a neighbourhood plan.

The neighbourhood plan process was initiated in 1989 with the collection of background information and the establishment of an Advisory Committee, consisting of citizens and political representatives. The Committee met over a dozen times to address issues such as open space areas and links, playgrounds, housing densities, heritage, etc. Input from municipal departments and various agencies, as well as comments from the Advisory Committee have been used to prepare the draft Hamilton Beach Neighbourhood Plan.

#### ***NEIGHBOURHOOD PLAN:***

The draft neighbourhood plan for Hamilton Beach as prepared by the Advisory Committee includes the following components:

- residential uses consisting of single family infill and five higher density areas;
- commercial areas of various types intended to serve the needs of local residents, as well as visitors to the Beach;
- a lakefront area, to provide an open space link along the length of the neighbourhood;
- other open space areas including several playgrounds, a green buffer adjacent to the Q.E.W. and a special area adjacent to the Canal; and,
- retention of the unique historical nature of many Beach homes, by such means as a possible heritage district and consideration of design guidelines for new multi-family and commercial development.

Copies of the draft neighbourhood plan are available for viewing in the Planning and Development Department and will be available at the Committee meeting.

**OFFICIAL PLAN AMENDMENT:**

The Official Plan for the City of Hamilton designates the Beach for "Open Space", reflecting the earlier plans for a major park. An amendment to the Plan, O.P.A. No. 62, was prepared to revise the designation for a portion of the Beach from "Open Space" to "Residential", as well as amending the related Special Policy Area 10. This amendment was prepared in response to a request from Beach residents to confirm the intended residential use of the Beach, but it has not yet been approved by the Region. The Hamilton Harbour Commissioners have objected to the O.P.A. and requested its referral to the Ontario Municipal Board. To date this objection has not been referred to the Board.

An amendment will be required to the Official Plan to implement the specific land use designations contained in the proposed Beach neighbourhood plan. It is proposed that the public meeting to deal with the Neighbourhood Plan approval also include the proposed Official Plan amendment.

**COMMENTS:**

Comments on the draft neighbourhood plan have been received from various departments and agencies. These have been incorporated where appropriate into the draft plan, and/or will be considered in the review of submissions to be undertaken following the public meeting.

However, it should be noted that the Hamilton Region Conservation Authority is concerned that the draft plan prepared by the Advisory Committee is significantly different from the Beach Concept Plan. The Authority feels that the lakefront walkway/bikeway is a vital component which must be included, while the present draft neighbourhood plan does not indicate this element, leaving it to be defined in the implementation stage of the planning process. The Authority also feels that the plan should address other related open space issues. The Authority wishes to inform the Planning and Development Committee of these concerns, at the meeting at which this report is presented. The Beach Advisory Committee has also asked to address the Planning and Development Committee to respond to the Conservation Authority.



***CONCLUSION:***

A public meeting should be held to present the draft plan to residents and other interested parties, and to provide the opportunity for discussion and input into the plan and policies, prior to their finalization. Submissions should be invited and a final report, including the Planning and Development Department's proposed plan, will be prepared following this process.

*V.G.:ns*

*HAMBCHAD*



4

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 August 13

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

AUG 14 1991

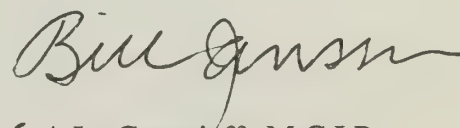
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Comments on Proposed Amendment No. 53 to the  
Hamilton-Wentworth Official Plan

**RECOMMENDATION:**

- A) That the comments contained in the report reviewing proposed Amendment Number 53 to the Hamilton-Wentworth Official Plan, attached herewith and marked Appendix A, be endorsed; and,
- B) That Regional Council be so advised of City Council's endorsement.

  
per J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
for A.L. Georgieff, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

None at this time.

**BACKGROUND:**

At its meeting of July 9, 1991, the Economic Development and Planning Committee of Regional Council authorized the circularization of proposed Amendment No. 53 to the Hamilton-Wentworth Official Plan. The proposed amendment is a text amendment and is applicable to all lands in Hamilton-Wentworth. The purpose of the amendment is to delete the existing Housing policies contained in Section 8 of the Official Plan and institute new policies based on the recommendations of the Regional Housing Statement Update, 1990, and the requirements of the Provincial Policy Statement Land Use Planning for Housing.



***DISCUSSION:***

A detailed review of the proposed Amendment was undertaken and comments on some of the proposed policies are presented in Appendix A. In general terms, all of the proposed policies can be supported. The policies will ensure that all Area Municipalities in Hamilton-Wentworth provide for their fair share of affordable housing. However, there are some minor concerns identified with specific policies. Generally, these concerns are related to ensuring that the Area Municipalities retain some control and flexibility in implementing these policies.

***CONCLUSION:***

As noted in Appendix A, all of the policies in proposed Amendment No. 53 to the Official Plan of Hamilton-Wentworth can be supported. Although there are minor concerns in regard to the flexibility of Area Municipalities in implementing the policies, the effect of the policies will be to ensure a more regional approach to addressing the need for more lower cost and diverse forms of housing throughout Hamilton-Wentworth, which is desirable.

BJ/ns

**APPENDIX A**

**COMMENTS ON THE POLICIES OF PROPOSED AMENDMENT NO. 53  
TO THE OFFICIAL PLAN OF THE REGION OF HAMILTON-WENTWORTH**

Generally, the proposed policies of Official Plan Amendment No. 53 can be supported as they implement the intent of the Regional Housing Statement Update (previously supported by City Council) and the Provincial Policy Statement on Land Use Planning for Housing. The proposed Amendment will encourage the Area Municipalities to provide for affordable housing within their communities. Hamilton has traditionally been the major provider of a variety of housing types and tenures, meeting much of the Regional housing demands for Hamilton-Wentworth.

Accordingly, Policies 8.1, 8.3, 8.5, 8.9, 8.10, 8.11, 14.5.1 and 14.5.2 can be supported without further discussion. However, the following policies are worthy of clarification and comment.

Proposed Policy

- 8.2    b)    *Every Area Municipality shall prepare housing targets in accordance with the housing targets as established in the most recently adopted Regional Housing Statement. These targets shall be implemented through Official Plan Policies and the designation of a supply of land where appropriate to achieve the housing targets and shall be subject to endorsement by Regional Council.*

Comment

The City has established housing targets in its own Housing Statement Updates that have been prepared in previous years. The preparation of annual housing targets ensure an active monitoring of housing market conditions and provide a quantitative measure in which to assess housing activity, as well as outline any significant gaps in the delivery of specific housing types.

However, it should be recognized that these targets are only guidelines which are dependent on private market activities to be achieved. The Area Municipalities can only help create the opportunity for targets to be met through Official Plan policies, but cannot be responsible for achieving the production targets.

Proposed Policy

- 8.4    *The Planning and Development Department shall review, in consultation with the development industry and other relevant groups, every two years the planning approval procedures for the purpose of:*
- a)    *establishing and monitoring targets for the time required for plans to receive draft and final approval;*
  - b)    *identifying means to increase the efficiency of the process; and*
  - c)    *monitoring the following time guidelines for approvals affecting residential development;*



- i) *plans of subdivision and condominium: six months from date of submission to draft approval; and,*
- ii) *undisputed local official plan amendments: three months from receipt to Council approval.*

Comment

While this policy can be supported, it is suggested that the review also be in consultation with the Area Municipalities.

Proposed Policy

- 8.6 a) *Twenty-five percent of all new housing built in each Area Municipality on land designated "Existing Development" and "Residential and Related Uses" on Map No. 1 of this Plan shall meet the definition of affordable housing. New housing shall include both rental and ownership, provided by both the non-profit and private sectors.*

Comment

As the Area Municipalities are required to implement the 25 percent requirement by both the above policy and the Provincial Policy Statement, some flexibility should be given to the municipalities to determine how this will be implemented. For example, it may be more appropriate to designate lands for higher density housing on a neighbourhood or planning unit basis, rather than on a project-by-project basis. The City is currently completing its Housing Statement Update which will determine how the 25 percent requirement will be implemented. This policy should recognize the need for flexibility for implementation by the area local municipalities.

It should be noted that under current legislation, municipalities do not have the legal authority to designate housing uses on the basis of tenure or housing cost. Therefore, municipalities can only designate lands for housing types which may be developed for affordable housing. Without legislative changes, municipalities cannot designate tenure or cost of housing in their planning documents. This should also be recognized in policy 8.6 a).

Proposed Policy

- 8.7 a) *The conversion of rental housing shall be approved only when the vacancy rate for the municipality in which the units to be converted are located exceeds 2 percent (as reported by the Canada Mortgage and Housing Corporation (CMHC) bi-annual apartment survey) for two successive surveys.*

- b) *Every area municipality, in reviewing the criteria established by the Rental Housing Protection Act, Ch. 31, S.O., shall have regard first for Criterion 2 (requiring the replacement of rental housing removed from the stock with similarly sized and priced units as established in O.Reg. 586/89, Section 7(1). Further, in no case shall any Area Municipality grant approval for conversion of rental housing under the Rental Housing Protection Act, Ch. 31, S.O., without the implementation of Criterion 2 unless:*
- i) *the implementation of Criterion 2 is not feasible for the structure; or,*
  - ii) *the implementation of Criterion 2 is an unreasonable hardship on the applicant.*

### Comment

Vacancy rates within the City of Hamilton vary from neighbourhood to neighbourhood. Canada Mortgage and Housing Corporation has divided Hamilton into six specific zones for the semi-annual Rental Apartment Vacancy Survey. As of April, 1991, 3 zones in Hamilton recorded vacancy rates of over 2.0 percent. As vacancy rates increase, the conversion of rental housing to other forms can result in community improvements such as redevelopment and rehabilitation and provide for other housing needs (e.g., condominiums). All of these housing forms can benefit particular areas of the City. Therefore, it is suggested that the words "the vacancy rate for the municipality" in section a) be replaced with "the vacancy rate for the CMHC zone or the municipality".

In addition, the Region may wish to include a provision that no conversions will be permitted which would lower the vacancy rate below 2.0 percent, as previously required in the Regional Official Plan.

It should be noted that Criterion 2 of the Rental Housing Protection Act allows approval of applications if the rental units are replaced in the same geographic area, as well as structure. Therefore, it is suggested that the words "for the structure" be removed from policy 8.7 b) i).

As stated previously, once the vacancy rates rise above 2.0 percent, conversions of rental housing can achieve other benefits to an area, and not adversely impact the overall supply of rental housing. As such, when the vacancy rate exceeds 2.0 percent, conversions should be permitted without the need to apply Criteria 2. Therefore, it is suggested the following be added to Policy 8.7 b):

- "iii) the vacancy rate exceeds 2.0%."

Criteria 3 of the Act allows Council the ability to approve an application if the proposal does not adversely affect the supply of affordable housing. As the circumstances of proposals vary, each application should be evaluated on its own merits to determine if an adverse impact on the current supply would result. However, criteria should be established by each municipality to assist in the evaluation of proposals and ensure consistency. As such, Area Municipalities will maintain their authority to approve applications under the Act. Therefore, it is suggested that the following be added to policy 8.7 b).



- "iv) the proposal, in the opinion of the Area Municipality, does not adversely affect the supply of affordable rental housing in the municipality based on criteria to be established by the Area Municipality."

Proposed Policy

8.8 *Housing opportunities in the Region must recognize the diversity of housing needs among the citizens of Hamilton-Wentworth. Council is committed to providing a continuum of housing opportunities, suitable to a range of housing needs, for its citizens.*

- a) *A continuum of housing opportunities - including, but not limited to: rooming and boarding houses, group homes, plexes, supportive living developments, converted dwellings, homesharing, special needs housing, and affordable rental and owner occupied dwellings - shall be provided in every Area Municipality in the Region. Every Area Municipality shall develop a strategy to provide a continuum of housing opportunities to include:*
- i) *Official Plan policies to permit the above continuum of housing opportunities in areas permitting residential uses.*
  - ii) *Official Plan policies to permit residential intensification in areas permitting residential uses, subject to the following criteria established in the Policy Statement on Land Use Planning for Housing:*
    - 1. *the physical potential of the existing building stock or previously developed sites can accommodate the identified forms of residential intensification;*
    - 2. *the existing services can support new households in the affected area; and,*
    - 3. *the potential demand for the types of accommodation which could be produced through various forms of residential intensification can be demonstrated based on the housing needs of households in the municipality.*
  - iii) *Zoning By-law standards to permit converted dwellings, group homes, and rooming and boarding homes as-of-right in areas permitting residential uses (as identified in the Area Municipality's Official Plan).*
  - iv) *Official Plan policies defining the criteria to be used evaluating the adaptive re-use and conversion of existing structures in areas designated for uses other than residential. The criteria shall include environmental, social, land use conflicts, and quality of life standards.*



- b) *Every such strategy shall be submitted for endorsement by Regional Council, by August 1, 1992. Amendments to the relevant Official Plan to implement policy 8.8 a) shall be adopted for consideration and approval by Regional Council by January 1, 1993.*

Comment

The City has already adopted a Housing Intensification Strategy, which creates opportunities for housing intensification while addressing local community concerns. All other municipalities in the Region should also be encouraged to provide for their share of the demand for this form of housing. Therefore, this proposed policy can be supported.

However, Area Municipalities should be permitted to develop standards to ensure these forms of housing are suitable and compatible with surrounding development. For example, the City's Intensification Strategy calls for all units in a converted dwelling to be a minimum of 65 m<sup>2</sup> (700 ft.<sup>2</sup>). It is suggested that the need for local flexibility to establish standards for these forms of housing be recognized in Policy 8.8.

**APPENDIX B**

**PROPOSED AMENDMENT NO.53  
TO  
THE REGION OF HAMILTON-WENTWORTH  
OFFICIAL PLAN**

**HAMILTON-WENTWORTH PLANNING AREA**

PROPOSED AMENDMENT NO. 53  
TO  
THE REGION OF HAMILTON-WENTWORTH  
OFFICIAL PLAN  
HAMILTON-WENTWORTH PLANNING AREA

July, 1991



## TABLE OF CONTENTS

### ADOPTING BY-LAW OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

#### PART I THE CERTIFICATION

CERTIFICATE PAGE

APPROVAL PAGE OF THE MINISTER OF MUNICIPAL AFFAIRS

#### PART II PREAMBLE

1. TITLE
2. COMPONENTS OF THIS AMENDMENT
3. PURPOSE
4. LOCATION
5. BASIS

#### PART III THE AMENDMENT

1. INTRODUCTION
2. DETAILS OF THE AMENDMENT

**PART I**

**THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH**

**BY-LAW NO.**

BEING A BY-LAW TO ADOPT AMENDMENT NO. 53 TO THE OFFICIAL PLAN FOR THE HAMILTON-WENTWORTH PLANNING AREA TO AND FORMING PART OF REGIONAL BY-LAW NO. R80-094.

The Council of the Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 17 and 21 of The Planning Act, S.O. 1983, Ch.1, hereby enacts as follows:

- (1) THAT the text attached hereto and so designated is hereby adopted as Amendment No. 53 to the Official Plan for the Hamilton-Wentworth Planning Area.
- (2) THAT the Clerk of the Region is hereby directed to forward Amendment No. 53 to the Official Plan for the Hamilton-Wentworth Planning Area, to the Minister of Municipal Affairs for approval.
- (3) THAT the Official Plan attached to and forming part of By-law No. R80-094 is hereby amended by adding thereto the text attached hereto.
- (4) THAT this By-law shall come into force and take effect on the date of its final passing.

READ a first, second, and third time and finally passed and enacted

this        day of        , 1990.

---

Chairman

---

Clerk



**PART I THE CERTIFICATION**

**AMENDMENT No. 53**

TO THE REGION OF HAMILTON-WENTWORTH OFFICIAL PLAN

THE HAMILTON-WENTWORTH PLANNING AREA

Amendment No. 53 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area, constituting the explanatory text was prepared by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth and adopted by Regional Council by By-law No.R91- in accordance with Section 17 of The Planning Act, 1983, R.S.O. 1989, Ch.1, on the \_\_\_\_\_ day of \_\_\_\_\_ 1991.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk

**PART II**

## **PART II - THE PREAMBLE**

1. **TITLE**

2. **COMPONENTS OF THIS AMENDMENT**

Only that part of this document entitled "PART III - The Amendment", comprising the attached text, constitutes Amendment No. 53 to the Region of Hamilton-Wentworth Planning Area.

3. **PURPOSE OF THE AMENDMENT**

Amendment No. 53 is intended to replace the existing policies in Section 8 - Housing of the Official Plan with new policies to implement the Province of Ontario's Policy Statement on Land Use Planning for Housing, to establish new policies as defined in the Regional Housing Statement Update, 1990, and, where consistent with the above two documents, the recommendations of the Hamilton-Wentworth Regional Chairman's Task Force on Affordable Housing. Amendment No. 53 also amends the servicing strategy of Section 14.5 of the Official Plan.

4. **LOCATION OF THE AMENDMENT**

Amendment No. 53 is a text amendment and is applicable to all lands in the Regional Municipality of Hamilton-Wentworth.

5. **BASIS OF THE AMENDMENT**

Amendment No. 53 implements the Provincial Policy Statement on Land Use Planning for Housing and up-dates the housing policies of Section 8 of the Plan.



**PART III**

## **PART III THE AMENDMENT**

### **1. INTRODUCTION**

The whole of this part of the document entitled "PART III - The Amendment", which consists of the following text, constitutes Amendment No. 53 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area.

### **2. DETAILS OF THE AMENDMENT**

Section 8 - Housing, is hereby deleted and replaced with the following.

## **8.0 Housing**

This section of the Plan contains provisions for achieving an adequate supply of housing accommodation in the Region while recognizing that the provision of such housing consists of many factors such as, but not limited to, land supply, planning, the economy, interests rates, and involves many participants including the development and construction industries, all levels of government, finance companies, and public and non-profit development companies.

### **Objectives**

- *To enable every resident of Hamilton-Wentworth to have the opportunity to live in adequate and affordable housing.*
- *To ensure that a supply of adequate and affordable housing is available to meet the needs and demands of the present and future residents of Hamilton-Wentworth.*

### **Maintaining the Existing Housing Stock**

**Basis:** Maintenance of the housing stock within existing neighbourhoods provides opportunities for implementation of other sections of this Plan; namely, increasing affordable housing opportunities and residential intensification. Further, a commitment to improving existing neighbourhoods and communities will strengthen community development.

**Policy:** 8.1 *Council encourages every Area Municipality to adopt and implement community improvement plans and maintenance and occupancy standards By-laws and to take advantage of federal and provincial programs designed to upgrade and improve established areas and particularly the housing stock.*

## Housing Targets

### **Basis:**

Housing targets are a statement of desire that are used to guide medium and long range planning in the Region. Targets are projections of the future and are often revised in response to changing conditions in the housing market, the economy and demographic make-up of the population. The Regional Housing Statement shall be used to review housing trends, the housing market, and housing supply, housing demand, and shall establish new housing targets, policies and programs. The Regional Housing Statement, as adopted by Regional Council, shall be the main housing policy document of the Region and shall be used to review existing Regional Official Plan policies and formulate new policy directives for inclusion in the Regional Official Plan.

The development of Regional policies has implications for Area Municipalities because they are involved in the achievement of targets and other housing objectives. Every Area Municipality is required to prepare a Housing Statement and it is appropriate that their targets, policies, and programs correspond with those of the Region.

### **Policy:**

- 8.2 a) *A Regional Housing Statement shall be prepared in consultation with the Area Municipalities, the development industry, other relevant agencies and the community, every five years or, in the case of significant changes in the housing market since the most recent update, less than five years. The Regional Housing Statement shall be updated for the purposes of:*
- i) *establishing annual housing targets for the total number of new housing units by type and tenure;*
  - ii) *establishing annual housing targets for the number and type of government assisted housing units for those people of Hamilton-Wentworth whose housing needs are not expected to be met by the private sector; and*
  - iii) *evaluating the success of policies and programs designed to ensure the established housing targets are met and make suggested revisions.*
- b) *Every Area Municipality shall prepare housing targets in accordance with the housing targets as established in the most recently adopted Regional Housing Statement. These targets shall be implemented through Official Plan policies and the designation of a supply of land where appropriate to achieve the housing targets and shall be subject to endorsement by*



*Regional Council.*

- c) *To assist Area Municipalities in the preparation of annual housing targets, as contained in Policy 8.2a), when requested.*

Land Supply

**Basis:** The Region is responsible for ensuring that an adequate supply of land is available to accommodate new residential development. The Region provides for residential development by designating land for urban development; by providing services such as water, sewer, roadways and transit; and by providing development approvals. Through an annual review of the residential land supply, development trends and current designations, the Region will be able to ensure a suitable supply of land is available for future development.

The Provincial Policy Statement "Land Use Planning for Housing" requires that municipalities ensure a ten year supply of land and a three year supply of lots in draft approved and registered plans of subdivision and condominium are available at all times. A monitoring system has been developed to determine whether an adequate supply of land is available to meet these objectives.

Current land designations and development trends indicate the Region has an adequate supply of land (15 to 20 years) to meet the objectives. Annual monitoring will ensure these objectives are maintained.

- Policy:** 8.3 a) *The Planning and Development Department shall review annually the supply of vacant land designated for future residential development to ensure:*
- i) *the objective of maintaining at least a three year supply of lots in draft approved and registered plans of subdivision;*
  - ii) *the objective of maintaining at least a ten year supply of land designated for future residential development;*
  - iii) *the objective of achieving the housing targets established in the Regional Housing Statement; and*
  - iv) *that appropriate land designations are considered as identified through the annual review.*
- b) *Every Area Municipality shall designate in accordance with Policy 8.3a) a suitable supply of residential land for future development.*

## Planning Approvals Process

**Basis:** Delay in the planning approvals process is often cited as the major cause for the high cost of housing. Both an internal review and a review prepared for the Hamilton-Wentworth Regional Chairman's Task Force on Affordable Housing revealed that the planning approval process operates relatively satisfactorily and probably is not a major contributor to increasing housing costs in Hamilton-Wentworth.

In order to maintain the already high level of service, it is necessary that the process be reviewed periodically and that planning staff continue to identify ways for improving and streamlining the process. By keeping a quick and efficient planning approvals process the land carrying costs associated with housing construction is kept to a minimum.

The Provincial Policy Statement "Land Use Planning for Housing" requires municipalities to adopt goals for moving proposals through the approvals process. The goals stated below are already being achieved.

- Policy:** 8.4 *The Planning and Development Department shall review, in consultation with the development industry and other relevant groups, every two years the planning approval procedures for the purpose of:*
- a) *establishing and monitoring targets for the time required for plans to receive draft and final approval;*
  - b) *identifying means to increase the efficiency of the process; and*
  - c) *monitoring the following time guidelines for approvals affecting residential development:*
    - i) *plans of subdivision and condominium: six months from date of submission to draft approval; and*
    - ii) *undisputed local official plan amendments: three months from receipt to Council approval.*

## Sustainable Development

**Basis:** The Hamilton-Wentworth Regional Chairman's Task Force on Sustainable Development may eventually lead to further revisions in housing policies. Until that time the current policy 8.9 should remain in the Official Plan and is renumbered 8.5.

**Policy:** 8.5 *Regional Council is concerned about the possibility of future shortages in the supply of conventional fuels, namely oil and gas, and therefore Council shall:*

- a) support and encourage Area Municipalities to adopt residential densities and designs in the urban areas which are conducive to the operation of public transit;*
- b) promote innovation in housing design to facilitate the construction of energy efficient housing; and*
- c) encourage and promote the utilization of solar energy for space heating, where feasible.*

Affordable Housing

**Basis:** The Provincial Policy Statement on Land Use Planning for Housing requires municipalities to facilitate the provision of increased affordable housing through Official Plan policies and is supported in the recommendations of the Regional Housing Statement Update, 1990. The Region is committed to creating opportunities for increased affordable housing in Hamilton-Wentworth. Accordingly, the Region's Official Plan shall reflect this commitment in areas designated "Existing Development" and "Residential and Related Uses" and, subject to servicing availability, in areas designated "Rural Settlements". A definition of affordable housing, suitable for Hamilton-Wentworth, shall be developed in conjunction with Area Municipalities. In the interim, the definition of affordable housing, as annually established by the Provincial Ministry of Housing, shall be used.

**Policy:** 8.6 *a) Twenty-five percent of all new housing built in each Area Municipality on land designated "Existing Development" and "Residential and Related Uses" on Map No. 1 of this Plan shall meet the definition of affordable housing. New housing shall include both rental and ownership, provided by both the non-profit and private sectors.*

*b) Subject to the policies of Sections 3.3.1 and 10 of this Plan, twenty-five percent of all new housing produced in each Area Municipality for land designated "Rural Settlements" on Map No. 1 of this Plan shall meet the definition of affordable housing. New housing shall include both rental and ownership, provided by both the non-profit and private sectors.*



## Protection of Rental Housing

**Basis:** Rental housing is one of the most affordable types of housing available. The protection of the existing rental housing stock from conversion to another tenure type or use is necessary to maintain the existing stock of rental housing and preserve new rental housing as it is developed. The Final Report of the Hamilton-Wentworth Regional Chairman's Task Force on Affordable Housing recommends fully implementing the provisions of the Rental Housing Protection Act, Ch.31, S.O., as may be amended from time to time, and requiring the implementation of Criterion 2 {requiring the replacement of rental housing removed from the stock with similarly sized and priced units as established in O.Reg. 586/89, Section 7(1)}. Regional Council has previously recognized the importance of the implementation of the Rental Housing Protection Act, Ch.31, S.O. through the adoption of Regional Official Plan Amendment No. 6, respecting the protection of rental housing in the Region.

It is recognized that applications will be made to Area Municipalities for exemption from the Rental Housing Protection Act, Ch.31, S.O. In reviewing such applications, every Area Municipality shall implement the following policies of Regional Council:

- Policy:**
- 8.7 a) *The conversion of rental housing shall be approved only when the vacancy rate for the municipality in which the units to be converted are located exceeds 2 percent (as reported by the Canada Mortgage and Housing Corporation (CMHC) bi-annual apartment survey) for two successive surveys.*
- b) *Every area municipality, in reviewing the criteria established by the Rental Housing Protection Act, Ch.31, S.O., shall have regard first for Criterion 2 {requiring the replacement of rental housing removed from the stock with similarly sized and priced units as established in O.Reg. 586/89, Section 7(1)}. Further, in no case shall any Area Municipality grant approval for conversion of rental housing under the Rental Housing Protection Act, Ch.31, S.O., without the implementation of Criterion 2 unless:*
- i) *the implementation of Criterion 2 is not feasible for the structure; or,*
- ii) *the implementation of Criterion 2 is an unreasonable hardship on the applicant.*

## Residential Intensification / Innovative Housing

**Basis:** A broad range of housing needs exist within Hamilton-Wentworth, as identified in the Regional Housing Statement Update, 1990 and the Final Report of the Hamilton-Wentworth Regional Chairman's Task Force on Affordable Housing. Regional Council is committed to providing housing suitable to the needs of all its citizens. Significant opportunities for providing housing to meet the existing and future community needs exist within the existing housing stock. Residential intensification, including infill, adaptive re-use, redevelopment, and conversion, can upgrade the existing housing stock and better utilize the existing land designated for urban purposes.

Regional Council recognizes that the implementation of intensification policy rests with each Area Municipality; however, Regional Council is committed to fulfilling the housing needs of its citizens and recognizes the necessity of each Area Municipality developing suitable policies regarding housing intensification.

**Policy:** 8.8 *Housing opportunities in the Region must recognize the diversity of housing needs among the citizens of Hamilton-Wentworth. Council is committed to providing a continuum of housing opportunities, suitable to a range of housing needs, for its citizens.*

a) *A continuum of housing opportunities - including, but not limited to: rooming and boarding houses, group homes, plexes, supportive living developments, converted dwellings, homesharing, special needs housing, and affordable rental and owner occupied dwellings - shall be provided in every Area Municipality in the Region. Every Area Municipality shall develop a strategy to provide a continuum of housing opportunities to include:*

i) *Official Plan policies to permit the above continuum of housing opportunities in areas permitting residential uses.*

ii) *Official Plan policies to permit residential intensification in areas permitting residential uses, subject to the following criteria established in the Policy Statement on Land Use Planning for Housing:*

1. *the physical potential of the existing building stock or previously developed sites can accommodate the identified forms of residential intensification;*

2. *the existing services can support new households in the affected area; and,*

3. *the potential demand for the types of accommodation which could be produced through various forms of residential intensification can be demonstrated based on the housing needs of households in the municipality.*
- iii) *Zoning By-law standards to permit converted dwellings, group homes, and rooming and boarding homes as-of-right in areas permitting residential uses (as identified in the Area Municipality's Official Plan).*
- iv) *Official Plan policies defining the criteria to be used in evaluating the adaptive re-use and conversion of existing structures in areas designated for uses other than residential. The criteria shall include environmental, social, land use conflicts, and quality of life standards.*
- b) *Every such strategy shall be submitted for endorsement by Regional Council, by August 1, 1992. Amendments to the relevant Official Plan to implement policy 8.8a) shall be adopted for consideration and approval by Regional Council by January 1, 1993.*
- c) *No amendments to the Regional Official Plan to re-designate land for residential purposes shall be considered by the Region for an Area until such time as Regional Council has endorsed the strategy and approved the appropriate implementing Area Municipal Official Plan Amendment, for the municipality in question, required in Policy 8.8a).*

#### Assisted Housing

**Basis:** Assisted housing refers to all forms of rental housing aimed at low and moderate income households which contain some proportion of units below market rents and/or rent-geared-to-income. The current system of delivering assisted housing relies on municipal and private non-profit housing corporations, and cooperatives to deliver assisted housing throughout the Region. Although the efforts of these groups must be applauded, the system has not been effective in developing a fair geographic distribution of assisted housing across the Region as the supply of assisted housing is heavily concentrated in the City of Hamilton.

Assisted housing targets are not set for each Area Municipality in the Regional Housing Statement. Area Municipalities must establish their own targets



according to the indicators of need in their community. The Official Plan policies are Regional support for the concept that every Area Municipality must assist in the provision of assisted units.

The backlog of demand for assisted housing resulted is an annual target of 1,000 units for the next five years. In 1990, over 93% of the assisted housing units in the Region were located in the City of Hamilton. There is a strong need for more assisted housing and a better geographic distribution within Hamilton-Wentworth.

- Policy:** 8.9 a) *Regional Council shall report annually to the Federal and Provincial Governments the assisted housing needs of Hamilton-Wentworth and request that appropriate funding be made available to address these needs.*
- b) *Council encourages the development of non-profit housing units in all municipalities, and in particular, desires an increased share of non-profit housing starts in the urban areas outside of the City of Hamilton.*

#### Monitoring the Housing Stock

**Basis:** The factors influencing the supply of affordable housing may change and remedy, through this Plan or the Regional Housing Statement Update, may be required. In order to assess the ongoing efforts of the private and public sectors to supply adequate, suitable and affordable housing, the Region shall annually review the factors affecting the supply of housing and the implementation of the policies of this Plan.

- Policy:** 8.10 *The Planning and Development Department, in consultation with the Regional Department of Social Services, other agencies, the Area Municipalities, and community groups, shall annually monitor:*
- *the availability of land and residential lots for future development;*
  - *the variety and mix of housing in new developments;*
  - *unit prices relative to the Provincial and Regional guidelines on affordability;*
  - *the loss of stock through demolitions and conversions; and,*
  - *other relevant indicators.*

## Community Participation

**Basis:** It is recognized that housing issues shall arise which will require policy remedy in this Plan. Regional Council is committed to soliciting input from appropriate Regional and community agencies to assist in the development of policy.

**Policy:** 8.11 *The Region shall solicit input from the Area Municipalities, community agencies, the development industry, business and labour organizations, and the public at large regarding the preparation of the Regional Housing Statement Update and any proposed amendments to the Regional Official Plan relating to housing matters.*

## Servicing

**Basis:** The Provincial Policy Statement "Land Use Planning for Housing" requires all municipalities to prepare a twenty year servicing plan indicating major projects to be undertaken in the future.

Current policy (14.5) requires the development of a ten year plan for transportation and water and sewer and periodic reviews. This policy has not been implemented and the approved recommendation of the Regional Housing Statement is that this policy be implemented to satisfy the requirements of the Provincial Policy Statement. Policy 14.5, therefore, is deleted and the following substituted to reflect the requirements of the Provincial Policy Statement.

## **Policy:**

### 14.5 Twenty Year Transportation Systems Plan and Water and Sewer Plan

It shall be the policy of Regional Council:

#### 14.5.1 *The Region shall prepare:*

- a) *A twenty year transportation systems and needs plan for the Regional road system; the Regional transit systems; and shall include other transit initiatives affecting the Region including, but not limited to, Hamilton Airport, GO Transit, and provincial transportation initiatives.*
- b) *A twenty year plan for water supply and sewage treatment facilities to serve the development needs of the Region.*

*These plans will identify major transportation, sewer and water projects which are required to be undertaken to achieve Regional development objectives and the timing of their implementation.*

*These plans will also contain a component evaluating the status of existing infrastructure and develop a strategy for increased use and repair of existing infrastructure.*

*14.5.2           The twenty year plans shall provide the basis for introducing transportation and sewer-water capital facilities into the Region's five year Capital Budget program. The twenty year plans will be monitored and reviewed annually in order to make the necessary updates and revisions.*



5

CITY OF HAMILTON  
- RECOMMENDATION -

**DATE:** 1991 August 13

AUG 13 1991

**REPORT TO:** Ms. Charlene J. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. D. W. Vyce  
Director of Property

**SUBJECT:** Authorization to allow the Transfer of Title  
from Samuel, Peter and Morris Mercanti,  
Moore & Davis Enterprises Inc. and Arthur Glenn Bryant  
to Carmen's Square Limited  
Anchor Road, Parts 3 and 4, Plan 62R-5200

**RECOMMENDATION:**

- a) That Item 14 of the 4th Report of the Planning and Development Committee, as approved by City Council on February 13, 1990 be amended as follows:
- i) That approval be granted to allow the transfer of title in the City's deed 9495 from Samuel, Peter and Morris Mercanti, Moore & Davis Enterprises Inc. and Arthur Glenn Bryant each as to a 20% undivided interest, as tenants in common to "Carmen's Square Limited".
  - ii) That the Purchasers' solicitor must prepare all necessary agreements and deed subject to the approval of the City Solicitor.
  - iii) That any costs incurred by the City in this regard will be borne by the Purchaser.

  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

On July 26, 1988, City Council approved the sale of 1.6502 acres of industrial land on the west side of Anchor Road to Samuel, Peter and Morris Mercanti. The transaction was completed on September 25, 1989.

On February 13, 1990, City Council approved Item 14 of the 4th Report of the Planning and Development Committee authorizing transfer of title to Samuel, Peter and Morris Mercanti, Moore & Davis Enterprises Inc. and Arthur Glenn Bryant.

This department has received a request from Mr. R. Martin, solicitor on behalf of the partners to amend the City's deed to allow for the transfer of title to "Carmen's Square Limited".

As the initial owners, the Mercanti Brothers, are still involved with the project, we have no objection in recommending the transfer of title to "Carmen's Square Limited".

c.c. Mrs. P. Noé Johnson, City Solicitor  
Attention: Mr. L. Farr  
Ms. L. MacNeil, Property Clerk, Surveys

(2738 - 100.68.30)

# CITY OF HAMILTON

## — RECOMMENDATION —

DATE: 1991 August 12

REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

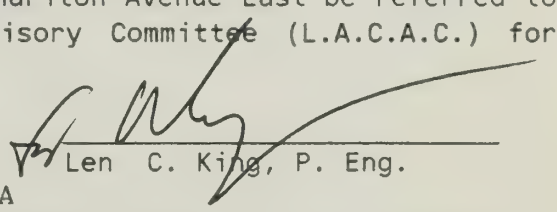
FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
74 Charlton Avenue East - Tag Number 84028

AUG 13 1991

### RECOMMENDATION:

That the application for demolition of 74 Charlton Avenue East be referred to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) for consultation.

  
Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: Niagara Escarpment Commission

PRESENT USE: Vacant since 1986 (four dwelling units prior to 1986)

PROPOSED USE: Vacant

BRIEF DESCRIPTION: Two storey brick dwelling in poor condition.

It is the intention of the owner to demolish the existing building and leave the land vacant. This property is located within the development control area of the Niagara Escarpment Planning and Development Act. The N.E.C. has refused a development permit to demolish the building on two separate occasions. The property has been designated as property of Historic and Architectural Value and Interest under By-law 91-076. A demolition permit cannot be issued until such time as the owner obtains a development permit from the N.E.C.

The owner of the property as per the demolition permit application is:

St. Elizabeth Home Society

391 Rymal Road West

HAMILTON, Ontario

L9B 1V2

Telephone: 388-9691

91.2.4.2.1.A





7

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 August 13

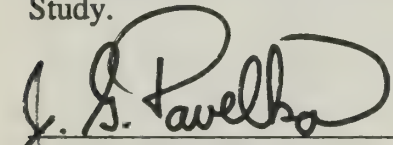
**REPORT TO:** Ms. C. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. G. Pavelka, P.Eng.  
Director of Public Works

**SUBJECT:** Phase IV of the Downtown Action Plan;  
Implementation of the Sanitation Recommendation,  
Public Service Announcement (P.S.A.)

**RECOMMENDATION:**

That the Community Renewal Section of the Public Works Department proceed with the development of a third annual "Keep Hamilton Clean Public Service Announcement Competition" at a total estimated cost of three thousand dollars (\$3,000.) in co-ordination with the Broadcasting Department at Mohawk College, CHCH-TV, the Keep Hamilton Clean Committee and the Downtown Action Plan Co-ordinating Committee (DAPCOM) to promote the objectives of Phase IV of the Downtown Action Plan, Sanitation Study.

  
\_\_\_\_\_  
J. G. Pavelka, P.Eng.  
Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The approximate cost to hold a Public Service Announcement competition is three thousand dollars (\$3,000.). Funds are available in Phase IV of the Downtown Action Plan, Account Number CF 5698 42880 3006.

## **BACKGROUND:**

The Public Service Announcement (P.S.A.) Competition has been well received over the last two years by Mohawk College, CHCH TV and the Keep Hamilton Clean Committee. The P.S.A. has assisted the City of Hamilton in developing a community awareness amongst its residents and particularly the downtown business operators. Because of this success, the Community Renewal Section of the Public Works Department recommends continuing the P.S.A. competition this year.

On 1988 November 29 City Council approved Section 1 of the 23rd Report for 1988 for the Planning and Development Committee that: Steps one through four and six of the recommended action plan of the City of Hamilton's Sanitation Study, Phase IV be approved. Step No. 1 authorized the establishment of a Business/Municipal Liaison Committee.

This Committee, called the Sanitation Implementation Committee, comprised of representatives from the Community Renewal Section of the Public Works Department, the Keep Hamilton Clean Committee, the Downtown Promenade, Jamesville and International Village B.I.A.'s, have been meeting since 1989 January to implement the other steps identified in the Sanitation Study. In 1989 and 1990, the Committee worked with Mohawk College for the purpose of preparing a competition for the students to produce a Public Service Announcement. On 1990 April 10 and on 1991 May 26, City Council presented cheques and plaques to the first and second prize winners of the Public Service Announcement "Keep Hamilton Clean" competition.

JP:bk

cc: Alderman Wm. McCulloch, Chairman  
Downtown Action Plan Co-ordinating Committee (DAPCOM)

Alderman B. Hinkley, Chairman  
Keep Hamilton Clean Committee

Mr. H. Reinhold, Superintendent of Lower City  
Public Works Department

Mr. K. Wallis  
Media Studies, Mohawk College

Mr. B. Janes  
CHCH-TV



8

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 1991 August 13

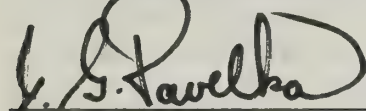
**REPORT TO:** Ms. C. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. G. Pavelka, P.Eng.  
Director of Public Works

**SUBJECT:** Central/Beasley P.R.I.D.E. Housing Intensification  
Programme (H.INT.) Authorization to Sign  
Provincial/Municipal Agreement and Hold a Public  
Meeting

**RECOMMENDATION:**

- a) That the Community Renewal Section of the Public Works Department be authorized to hold a public meeting to receive public input and establish a Citizen Advisory Committee for the purpose of implementing the Ministry of Municipal Affairs' P.R.I.D.E. Housing Intensification Programme in the Central/Beasley Neighbourhood; and,
- b) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Agreement required to implement the Central/Beasley P.R.I.D.E. H.INT. Programme.



J. G. Pavelka, P.Eng.  
Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The total project cost is one million, four hundred and forty thousand dollars (\$1,440,000.), the City's portion of which has been financed and approved by OMB Order No. E910641 dated 1991 July 03.

**BACKGROUND:**

On 1991 April 08 the Mayor received an announcement from the Ministry of Municipal Affairs, Community Development Branch that the City of Hamilton had been successful in its application for financial assistance for the Central/Beasley P.R.I.D.E. H.INT. Programme. In order to implement the P.R.I.D.E. H.INT. Programme, the Mayor and City Clerk must sign the standard Provincial/Municipal Agreement governing this implementation.

Previously, on 1991 June 19, the Planning and Development Committee tabled a recommendation from the Director of Public Works to receive a petition from the "merchants of Jamesville" and that, the City of Hamilton maintain its relationship with the Jamesville B.I.A. This report was tabled pending a further report from staff after holding another general meeting with the Jamesville B.I.A. business operators in the fall of 1991. City Council at its Meeting held 1991 June 25 referred this report back to the Planning and Development Committee. Since that time, staff from the Public Works Department and the Job Development staff have been working with the Jamesville B.I.A. Board of Management in an attempt to alleviate any of the misunderstandings that are prevalent on the street. Therefore, in conformity with the previous report dated 1991 June 13, attached as schedule 'A', we are again recommending that no immediate action be taken until staff and Ward Aldermen have had the opportunity to meet further with the business operators on the street and hold a general meeting, after which, a report will be brought back to the Planning and Development Committee for their review.

JMcN:bk

cc: Alderman V. Agro, Ward Two

Alderman Wm. McCulloch, Ward Two

Ms. P. Noe Johnson, City Solicitor  
Law Department

Mr. E. Matthews, City Treasurer  
Treasury Department

PAGE 1

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 June 13

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

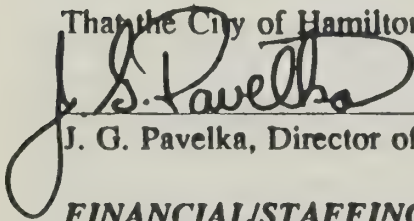
**FROM:** Mr. J. G. Pavelka, P.Eng.  
Director of Public Works

**SUBJECT:** Jamesville Business Improvement Area (B.I.A.) Petition

**RECOMMENDATION:**

That the petition from the "Merchants of Jamesville" submitted to the City Clerk on 1991 May 22 be received; and,

That the City of Hamilton maintain its relationship with the Jamesville B.I.A.

  
\_\_\_\_\_  
J. G. Pavelka, Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There is approximately six thousand, three hundred dollars (\$6,300.) in outstanding levies owed to the City of Hamilton for 1990. Jamesville B.I.A. has presently one thousand, eight hundred dollars (\$1,800.) in their bank account.

The Treasury Department has advised the Community Renewal Section of Public Works that Jamesville B.I.A. must pass a budget to cover outstanding levies prior to receiving any money.

The interim Jamesville B.I.A. Board of Management intends to deal with this matter late this year by holding another general meeting after the summer during which time the City's Job Development staff will be contacting each merchant to appraise him/her of the merit of a Business Improvement Area.

**BACKGROUND:**

The following is a brief history of the events that preceded the submission of the attached petition signed by 97 of approximately 144 merchants:



On 1991 May 08 a general meeting was held to elect an interim Board and to discuss a budget as well as other business. The B.I.A. members were all circulated a Notice of Meeting. There were approximately 34 people at the Meeting. The interim Board was not elected.

The Meeting

The Meeting was interrupted by Mr. R. Burridge, Owner of Hotel Hamilton, 195 James Street North, who put a motion on the floor recommending that the B.I.A. be disbanded. The group of merchants that were present at the meeting were not interested in anything else other than taking a vote on this motion.

The Meeting was out of control. Although a vote was taken, there were a number of unorthodox procedures including double counting of votes and acknowledging unpaid members as voters.

R. Corsini, Chairman of the B.I.A., objected to the vote since this was not on the agenda and the rest of street was not properly informed on this item.

Staff, Ward Aldermen, Law and Treasury Departments all met on 1991 May 16 to review the legal implications of the vote that took place at this general meeting. The Law Department advised us that the vote was not legal since it was not on the agenda and all members of the B.I.A. were not given proper notice that this item would be dealt with. Staff and Ward Aldermen agreed that the Jamesville B.I.A. should not rush into a subsequent meeting. Rather, the Job Development Grant staff should take inventory of the merchants views and educate them about Business Improvement Areas to alleviate any misunderstandings.

To illustrate the individual levy costs for the B.I.A. members, based on a six thousand dollar (\$6,000.) budget, the individual B.I.A. levies would range from two dollars to two hundred and fifty dollars (\$2. - \$250.) per year. Therefore, the average tax levy is forty-five dollars (\$45.) per year per business.

Although there is approximately six thousand, three hundred dollars (\$6,300.) outstanding in unpaid levies, approximately thirty-five thousand dollars (\$35,000.) in levies has been collected. Of the 144 assessed businesses, only 21 (15%) members have not paid the assessed levy, therefore, 123 (85%) have paid. Staff have concluded that the present situation with the Jamesville B.I.A. has occurred because of poor communication with a minority of the membership.

The staff recommends that the Job Development staff continue to go out on the street and educate the merchants on the positive benefits of a B.I.A. prior to holding another general meeting.

On 1991 June 05 a few Jamesville merchants met to discuss what would be involved if they were to participate in an interim board of management until November elections could be held.

The following individuals have agreed to sit on the Jamesville B.I.A. Interim Board:

**Una Wood - Bank of Montreal, 303 James Street North**

**Ron Corsini - Chairman, Corsini Supermarkets Ltd., 340 James Street North**

**Dan Lengwell - Biway, 135 James Street North**

**Guldo Ricca - Ricca Furniture, 228 James Street North**

The Jamesville B.I.A. will hold their next Board Meeting on 1991 June 18. The Ward Aldermen and Mayor R. Morrow will be notified of the location of this meeting.

JP:bk

Attch.

cc: Alderman V. Agro, Ward Two

Alderman Wm. McCulloch, Ward Two

Ms. P. Noe Johnson, City Solicitor  
Law Department

Mr. E. Matthews, City Treasurer  
Treasury Department







THE CORPORATION OF THE CITY OF  
City Hall, 71 Main Street West, Hamilton, Ontario L8N

96

1991 July 31

The Business People of James Street North  
c/o 195 James Street North  
Hamilton, Ontario  
L8L 1A9


Attention: Rev. R.W.A. Burridge

Re: Jamesville B.I.A. Petition

Dear Sir:

Please be advised that your petition dated July 24, 1991 was received by City Council at its meeting held July 30, 1991, and referred to the Planning and Development Committee for its consideration and appropriate action.

Yours truly,

  
K. E. Avery  
City Clerk

cc: Miss C. Coutts, Secretary  
Planning and Development Committee

Ms. J. McNeilly  
Community Renewal Officer, Dept. of Public Works

The Business People,  
of James St. N.  
C/o 195 James St.N.,  
Hamilton , Ontario ,  
Rev. R.W.A.Burridge  
Tel. 522-7587  
Leonilde Valentim  
Tel. 522-8539  
Orlando Saleiro  
Tel. 529-8087  
Primo Ciannavei  
527-3606  
July 24/91

C/O  
The Clerk of the City of Hamilton,  
Hamilton City Hall,  
Main St. W.  
Hamilton, Ontario

The Clerk of The City of Hamilton;

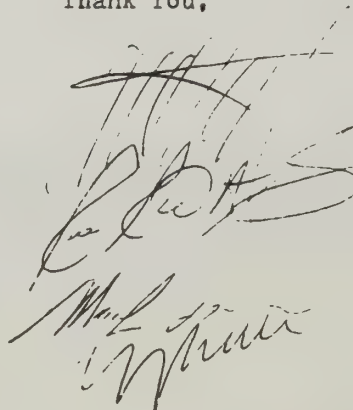
We the Business People, of Jamesville, James St. N.  
Hamilton, Ontario.

We ask you as the Clerk of The City of Hamilton,  
Ontario; to submit these signatures of notice & direction;  
To the City Council, and be referred to the proper  
departments, and the Mayor Bob Morrow.

Notice& Direction attached; with signatures on  
ten pages.

Thank You,

cc.Premier Bob Rae  
cc.Honourable Dave Cooke  
Minister of municipal offices  
cc.Mayor Bob Morrow  
cc.The Spestator  
cc.Ckoc Radio; Doug Fairway

The block contains two handwritten signatures. The top signature is a large, stylized cursive signature, possibly reading 'J. H. H.'. The bottom signature is another cursive signature, possibly reading 'M. L. H.'.

THE BUSINESS PEOPLE  
OF JAMES ST. N.  
HAMILTON, ONTARIO  
JULY 10 th. 1991

TO WHOM IT MAY CONCERN

WE THE BUSINESS PEOPLE OF JAMES ST. N. , HAMILTON, ONTARIO.

REFUSE TO PAY ANY B.I.A. LEVY ( TAX ).

WE FURTHER DO NOT WANT ANY OF THE B.I.A. PEOPLE COMING TO  
OUR BUSINESS,S.

REASON:

WE VOTED THE B.I.A. OUT ON MAY 8 th. 1991 .

WE ALSO SIGNED A PETITION MAY 1991, TO DEFEAT THE B.I.A.  
APPROVING THE VOTE OF MAY 8 th. 1991.

THE 217 LEGISLATION CONTROLLING THE B.I.A.,S, IS VERY  
UNFAIR AND VERY UNDEMICRATIC:

LEAVING US WITH NO LEGAL VOTES OR RIGHTS TO CONTROL IT.

IT WAS NEVER PRESENTED TO THE STREET, IN THE TRUTH OF WHAT  
A B.I.A. REALLY IS, UNDER THE ONTARIO MUNICIPAL ACT-SECTION 217.

BUSINESS: *Mario custom Tailor*  
ADDRESS: *243 James St. N.*  
OWNER/MANAGER: *Mario*

BUSINESS: *Jamesville Postal Outlet*  
ADDRESS: *308 James St. N.*  
OWNER/MANAGER: *G. Gaudin*

BUSINESS: *ATLANTICO REST.*  
ADDRESS: *HAMILTON ONT. TEN.*  
OWNER/MANAGER: *J. Carter*

BUSINESS: *JAMESVILLE CERAMICS (891004 ONT INC)*  
ADDRESS: *188 James St. North Hamilton*  
OWNER/MANAGER: *Jamesville*

BUSINESS: *Leisette Hair Salon*  
ADDRESS: *235 James St. N. Hamilton*  
OWNER/MANAGER: *Leisette*

BUSINESS: *Pippin Apple*  
ADDRESS: *211 James St. N.*  
OWNER/MANAGER: *Pippin*

BUSINESS: *Russell Jewellers*  
ADDRESS: *197 James St. N.*  
OWNER/MANAGER: *Charles Russell*

BUSINESS: *FATIMA FURNITURE*  
ADDRESS: *187 James St. N.*  
OWNER/MANAGER: *Fatima*

BUSINESS: *Cake Garden*  
ADDRESS: *165 James St. N.*  
OWNER/MANAGER: *Grace King*

BUSINESS: *D. J. ...*  
ADDRESS: *...*  
OWNER/MANAGER: *...*



2

BUSINESS:.....ROSE Garden Flowers.  
ADDRESS:.....167 JAMES St North  
OWNER/MANAGER:.....JAMES J. JAMES  
JAMES J. JAMES

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BUSINESS: JAMES WARE  
ADDRESS: 154 JAMES ST. N.  
OWNER: MANAGER: [Signature]

BUSINESS: [Signature]  
ADDRESS: 187 JAMES ST. N.  
OWNER: MANAGER: [Signature]

BUSINESS: MONIE GENERAL AGENCY  
ADDRESS: 125 JAMES ST. N.  
OWNER: MANAGER: [Signature]

BUSINESS: Excellence Hair for Salons  
ADDRESS: 125 JAMES ST. N.  
OWNER: MANAGER: [Signature]

BUSINESS: ATLANTIC JEWELLERS  
ADDRESS: 179 JAMES ST. N.  
OWNER: MANAGER: [Signature]

BUSINESS: [Signature]  
ADDRESS: 125 JAMES ST. N.  
OWNER: MANAGER: [Signature]

BUSINESS: NADIM N. EL RAYHAN  
ADDRESS: 141 JAMES ST. N.  
OWNER: MANAGER: [Signature]

BUSINESS: Grant Plus Hair  
ADDRESS: 111 JAMES ST. N.  
OWNER: MANAGER: [Signature]

BUSINESS: WINKIE'S WHITING T. SHOP  
ADDRESS: 1163 JAMES ST. N.  
OWNER: MANAGER: [Signature]

BUSINESS: [Signature]  
ADDRESS: 118 JAMES ST. N.  
OWNER: MANAGER: [Signature]

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July 11/91 BUSINESS: NANDOR MORGENSEN ENT (77)  
ADDRESS: 213 JAMES ST. N.  
OWNER/MANAGER: [Signature]

July 19/91 BUSINESS: NANDOR MORGENSEN ENT (77)  
ADDRESS: 213 JAMES ST. N.  
OWNER/MANAGER: [Signature]

July 21/91 BUSINESS: JACKSON & SON HOLDINGS  
ADDRESS: 329 JAMES ST. N.  
OWNER/MANAGER: [Signature]

BUSINESS: CASA SANTO CRISTO  
ADDRESS: 199 JAMES ST. N.  
OWNER/MANAGER: [Signature]

BUSINESS: CASSIDY'S LTD.  
ADDRESS: 294 JAMES ST. N.  
OWNER/MANAGER: HENNU TOPPING

BUSINESS: Villa Europa  
ADDRESS: 255 JAMES ST. N.  
OWNER/MANAGER: [Signature]

BUSINESS: CAFFE ADRIATICO-RESTAURANT  
ADDRESS: 253 JAMES ST. N.  
OWNER/MANAGER: [Signature]

BUSINESS: ACADEMICA HALL  
ADDRESS: 242 JAMES ST. N.  
OWNER/MANAGER: [Signature]

BUSINESS: MIKE'S DRY CLEANERS  
ADDRESS: 176 JAMES ST. N.  
OWNER/MANAGER: [Signature]

BUSINESS: SENECA PLACE TAVERN  
ADDRESS: 113 JAMES ST. N.  
OWNER/MANAGER: [Signature]



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BUSINESS: HOHETOWN TRAVEL  
ADDRESS: 167 James St. N. Hamilton, Ont.  
OWNER/MANAGER: Robert Lee

BUSINESS: 136 Hamilton  
ADDRESS: 136 James St. N. Hamilton  
OWNER/MANAGER: John

BUSINESS: Papp N  
ADDRESS: 124 James St. N.  
OWNER/MANAGER: John

BUSINESS: Co. Metropolitan  
ADDRESS: 123 James St. N. Hamilton  
OWNER/MANAGER: Arthur

BUSINESS: THE'S SHOP PEPPIE  
ADDRESS: 123 James St. N.  
OWNER/MANAGER: Barry

BUSINESS: 123 James St. N.  
ADDRESS: 123 James St. N.  
OWNER/MANAGER: 123 James St. N.

BUSINESS: Family  
ADDRESS: 123 James St. N.  
OWNER/MANAGER: Sandra

BUSINESS: 111  
ADDRESS: 111 James St. N.  
OWNER/MANAGER: 111 James St. N.

BUSINESS: Kalson Nucleon Centre  
ADDRESS: 21 King St. N. HAMILTON  
OWNER/MANAGER: 21 King St. N.

BUSINESS: Venation Shoes  
ADDRESS: 64 James St. N.  
OWNER/MANAGER: Peter

BUSINESS: Professional Haircutting - Hairstyling  
ADDRESS: 88 James St. N.  
OWNER/MANAGER: Ronie

BUSINESS:.....  
ADDRESS:.....  
OWNER/MANAGER:.....

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BUSINESS:.....*DEAR'S Beauty Salon*.....  
ADDRESS:.....*James St. N.*.....  
OWNER: MANAGER:.....*Dea. Lopez*.....

BUSINESS:.....*P.N. MOJAN.. FLOOR..-TEX.. COMPANY.. LIMITED*.....  
ADDRESS:.....*105.. James.. N.*.....  
OWNER: MANAGER:.....*N. Latmar*.....

BUSINESS:.....*FABRIK (N.)*.....  
ADDRESS:.....*50. JAMES ST. N.*.....  
OWNER: MANAGER:.....*E. S. S. S.*.....

BUSINESS:.....*M.R. S. P. L. S.*.....  
ADDRESS:.....*109. JAMES ST. N. HAMILTON. ONT.*.....  
OWNER: MANAGER:.....*T. GEIST*.....

BUSINES:.....*THE FLOOR CONNECTION INC.*.....  
ADDRESS:.....*79. JAMES ST. N.*.....  
OWNER: MANAGER:.....*N. LATMAR*.....

BUSINESS:.....*MARKET PLACE REST. TAVERN*.....  
ADDRESS:.....*93. James St. N.*.....  
OWNER: MANAGER:.....*B. J. S. S.*.....

BUSINESS:.....*T. J. GIBSON*.....  
ADDRESS:.....*74. JAMES ST. N. HAMILTON*.....  
OWNER: MANAGER:.....*Frank Gibson*.....

BUSINESS:.....*LONDON WINERY... LIMITED*.....  
ADDRESS:.....*15. KING. WILLIAM. ST.*.....  
OWNER: MANAGER:.....*MARTHA. SMITH*.....

BUSINESS:.....*ALLIANCE COMPUTERS INC.*.....  
ADDRESS:.....*1. WILSON ST. UNIT 5*.....  
OWNER: MANAGER:.....*John*.....

BUSINESS:.....*PHYSICIANS WEIGHT LOSS CENTRES*.....  
ADDRESS:.....*#1. WILSON ST.*.....  
OWNER: MANAGER:.....*John*.....



THE BUSINESS PEOPLE  
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HAMILTON, ONTARIO  
JULY 10 th. 1991

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BUSINESS:.....*HURBY'S*.....  
ADDRESS:.....*JAMES ST. N.*.....  
OWNER: MANAGER:.....*W. Hurby*.....

BUSINESS:.....*Mc. Submarine*.....  
ADDRESS:.....*James St. N.*.....  
OWNER: MANAGER:.....*A. Submarine*.....

BUSINESS:.....*Joao Jimenes*.....  
ADDRESS:.....*230 James St. N.*.....  
OWNER: MANAGER:.....*Joao Jimenes*.....

BUSINESS:.....*Shirley's*.....  
ADDRESS:.....*James St. N.*.....  
OWNER: MANAGER:.....*Shirley*.....

BUSINESS:.....*Jamesville Cards*.....  
ADDRESS:.....*337 James St. N.*.....  
OWNER: MANAGER:.....*Jamesville*.....

BUSINESS:.....*1221016*.....  
ADDRESS:.....*James St. N.*.....  
OWNER: MANAGER:.....*James*.....

BUSINESS:.....*Jamesville*.....  
ADDRESS:.....*James St. N.*.....  
OWNER: MANAGER:.....*Jamesville*.....

BUSINESS:.....*W. Hurby 309 JAMES ST. N.*.....  
ADDRESS:.....*JAMESVILLE*.....  
OWNER: MANAGER:.....*Jamesville*.....

BUSINESS:.....*Trachase Pharmacy*.....  
ADDRESS:.....*James St. N.*.....  
OWNER: MANAGER:.....*Trachase*.....

BUSINESS:.....*REGINA SOCIAL CLUB*.....  
ADDRESS:.....*James St. N.*.....  
OWNER: MANAGER:.....*Regina*.....

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BUSINESS: *Small B. Place*.....  
ADDRESS: *111 James St. N.*.....  
OWNER: MANAGER: *John Doe*.....

BUSINESS: *Hotel & Barber & Beauty Club*.....  
ADDRESS: *121 James St. N.*.....  
OWNER: MANAGER: *John Doe*.....

BUSINESS: *D. Rejuvenation Centre*.....  
ADDRESS: *111 Wilson St. #6*.....  
OWNER: MANAGER: *D. Verbeem*.....

BUSINESS: *S. & S. S. R. T. S. S. S. S.*.....  
ADDRESS: *111 James St. N.*.....  
OWNER: MANAGER: *John Doe*.....

BUSINESS: *Recreation Centre*.....  
ADDRESS: *111 James St. N.*.....  
OWNER: MANAGER: *John Doe*.....

BUSINESS: *St. John's Church*.....  
ADDRESS: *111 James St. N.*.....  
OWNER: MANAGER: *John Doe*.....

BUSINESS: *LAIR PROFESSIONALS*.....  
ADDRESS: *111 James St. N.*.....  
OWNER: MANAGER: *John Doe*.....

BUSINESS: *LAIR PROFESSIONALS*.....  
ADDRESS: *111 James St. N.*.....  
OWNER: MANAGER: *John Doe*.....

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ADDRESS: *111 James St. N.*.....  
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BUSINESS: *Tivel's Restaurant*  
ADDRESS: *80 James St. North*  
OWNER:MANAGER: *Helen Constantine*

BUSINESS: *European Photo Studio*  
ADDRESS: *100 James St. North*  
OWNER:MANAGER: *Nancy F. Ed. VEC*

BUSINESS: *Barber Shop*  
ADDRESS: *153 James St. North*  
OWNER:MANAGER: *Ken Coplan*

BUSINESS:.....  
ADDRESS:.....  
OWNER:MANAGER:.....

BUSINESS:.....  
ADDRESS:.....  
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OWNER:MANAGER:.....



10

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 July 26

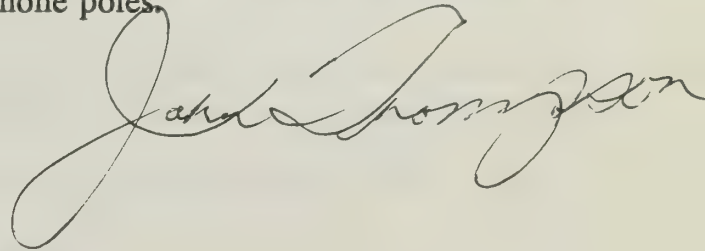
**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thompson, Secretary  
Finance and Administration Committee

**SUBJECT:** RESIDENTIAL IDENTIFICATION

**RECOMMENDATION:**

That the Planning and Development Committee be requested to consider the placement of residence numbers on telephone poles.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Unknown at this time.

**BACKGROUND:**

At its meeting held 1991 July 25 the Finance and Administration Committee, on the recommendation of the Taxi Advisory Committee approved the above recommendation in the interests of improving residential numerical identification.

This matter has been of some concern to the taxi industry due to the difficulty in identifying particular residences. The placement of such numerical signs would also be of assistance to others, especially when looking for residences in an emergency situation.

c.c. Alderman D. Drury, Chairman, Taxi Advisory Committee  
Mr. S. Dembe, Manager, Licence Division  
Mrs. S. Glover, Secretary, Taxi Advisory Committee



11

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 July 30  
P5-1-4-7

Aug 13 1991

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

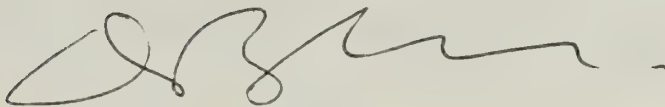
**FROM:** David Blanchard, Chairman  
Business Land Use Advisory Board

**SUBJECT:** Comments on the "M" District Study - Business Land Use  
Advisory Board

**RECOMMENDATION:**

That the Planning and Development Committee:

- be advised that the Business Land Use Advisory Board supports in principle the recommendations of the "M" District Study; and,
- request staff to consider the comments of the Business Land Use Advisory Board in the finalization of the "M" District Study.



David Blanchard  
Chairman  
Business Land Use Advisory Board



## **BACKGROUND AND REPORT:**

The Business Land Use Advisory Board was requested review and comment on the recently completed "M" District Study. At their meeting of June 10, 1991, the Board heard a staff presentation on the Study. The findings of the Study were discussed in depth at subsequent meetings of the Board on June 25 and July 15, 1991. Discussion took place on a number areas of concern including, amongst others:

- amount of vacant industrial floor space in the East Mountain Industrial Business Park;
- poor state of the economy in general and its impact of the business park; and,
- the impact of the open space area on industrial development. In particular, the "M-13" District's restrictive nature including increased setbacks from the open space area and its limitation of uses (ie. why some uses were permitted and others, of a similar nature, were not).

Generally, the Board members supported the findings of the study noting that the proposed recommendations would be an improvement over the existing by-law.

The Board, at its meeting of June 25, 1991 passed a motion to:

" support the staff report on the 'M' Districts in principle",

and subsequently directed that staff forward their comments to the Planning and Development Committee.

## **CONCLUSION**

The Business Land Use Advisory Board has reviewed and supports the findings of the "M" District Study and requested that their comments be forwarded to the Planning and Development Committee. Accordingly, the Committee should request staff to consider these comments in the finalization of the "M" District Study.

Qy  
CF/

12

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 August 7  
ZA-91-01; Falkirk East Neighbourhood

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning - No. 987 Upper Paradise Road

AUG 13 1991

**RECOMMENDATION:**

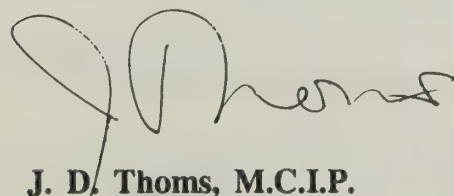
That approval be given to Zoning Application 91-01, Gino Filice, in trust, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for single-family dwellings, for property located at No. 987 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-27D and W-27E for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

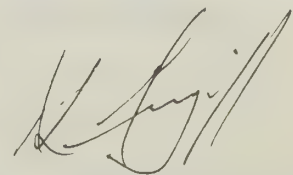
**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at No. 987 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit development of the subject lands for single-family detached dwellings.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**A. L. Georgieff, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**Subdivision Application

On March 23, 1988 Regional Council approved Subdivision Application 25T-87037 (Paradise Gate Estates) permitting subdivision of the subject lands for 74 single-family residential lots and five blocks for development with adjoining lands (see APPENDIX "B").

It should also be noted that the subject lands are denoted on the Neighbourhood Plan as the approximate location of "Indian Relics". In this regard, a condition of approval was imposed on the draft plan of subdivision, requiring the developer to carry out an archaeological survey and rescue excavation of any significant archaeological remains.

**APPLICANT:**

Gino Filice, in trust, owner.

**LOT SIZE AND AREA:**

The subject lands are irregular in shape and have:

- 319.628 m (1048.24 feet) of lot frontage on Rymal Road West;
- 20.117 m (66 feet) of lot frontage on Upper Paradise Road; and,
- 6.881 ha (17.004 acres) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant land	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant land	"AA" (Agricultural) District
to the south	single-family dwellings	"AA" (Agricultural) District



		"B" (Suburban Agricultural and Residential, etc.) District
		"B" (Suburban Agricultural and Residential, etc.) District, modified
to the east	vacant land	"R-4" (Small Lot Single-Family Detached) District
		"C" (Urban Protected Residential, etc.) District
to the west	day care centre, four single-family dwellings, one two-family dwelling and vacant land	"AA" (Agricultural) District, modified and  "AA" (Agricultural) District

#### **OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL". The proposal complies with the intent of the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the Falkirk East Neighbourhood Plan. The proposal complies with the intent of the Neighbourhood Plan.

#### **RESULTS OF CIRCULARIZATION:**

- The following Agencies and Departments have no comment or objection:
  - Building Department;
  - Traffic Department;
  - Hamilton Region Conservation Authority; and,
  - Niagara Peninsula Conservation Authority.
- The Hamilton-Wentworth Engineering Department has advised that:

"There are external watermain available to service these lands. For the Committee's information this development must be serviced for storm and sanitary sewers through the lands to the east. Sewer services will likely be available on Rymal Road by October of 1991 in order to service the lands fronting Rymal Road only.

All internal servicing and related matters are being dealt with under the draft plan of subdivision for Paradise Gate Estate."

**COMMENTS:**

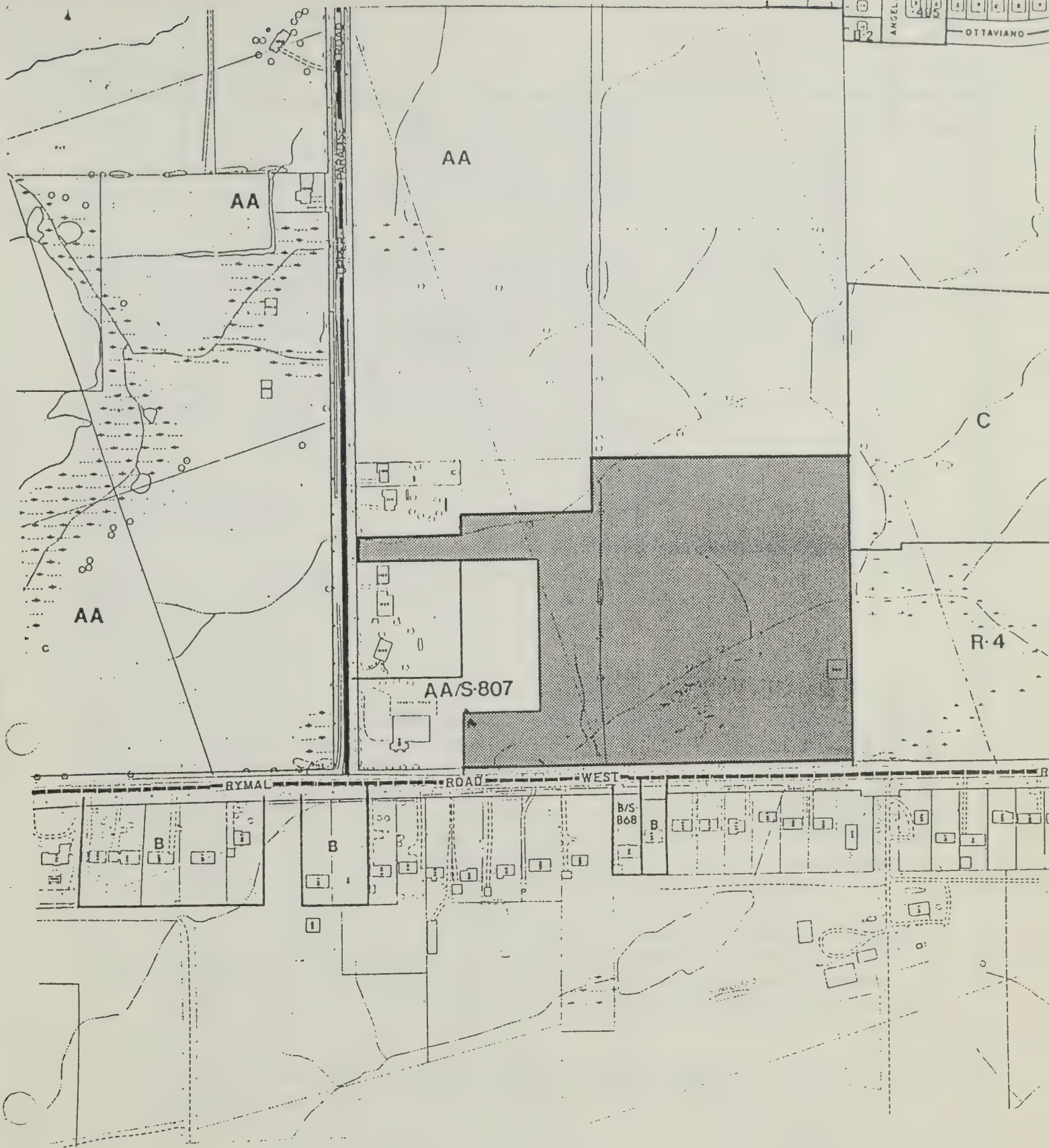
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent the approved Falkirk East Neighbourhood Plan.
3. The application has merit and can be supported for the following reasons:
  - it implements both the Official Plan and approved Falkirk East Neighbourhood Plan;
  - the rezoning would satisfy one of the conditions of the draft plan of subdivision;
  - the proposed zoning is appropriate for the intended use; and,
  - the proposed single-family residential uses are compatible with existing and proposed land uses in the surrounding area.
4. For the information of the Committee, the preservation of any significant archaeological remains is ensured, since an archaeological survey and rescue excavation will be required, prior to development of the subject lands.

**CONCLUSION:**

On the basis of the foregoing, the application can be supported.

CL-M/dkp

A:\ZA9101



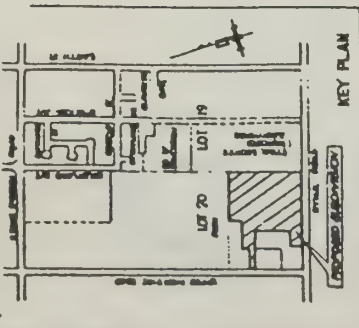
Legend



Site of the Application

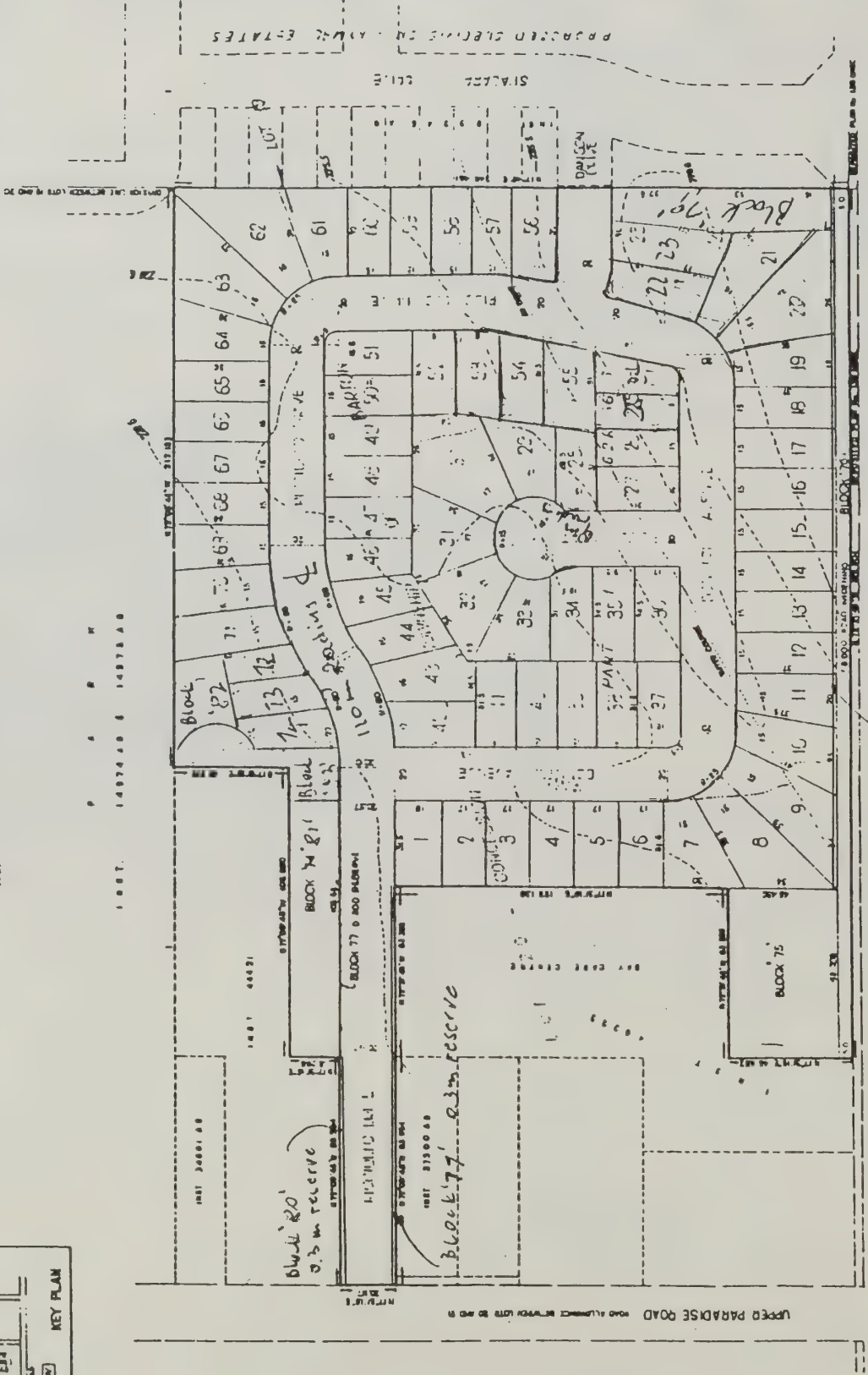






DRAFT PLAN OF SUBDIVISION OF  
PART OF LOT 20, CONCESSION B  
IN THE TOWNSHIP OF BARTON  
CITY OF HAMILTON  
RELOCAL MUNICIPALITY OF HAMILTON - SOUTHWEST  
SCALE 1"=100'  
J. DAVID PETERSON O.S.  
1987

NOTE: This plan is a draft and is not to be used for any purpose other than for information only. It is not to be used for any purpose other than for information only.



RYMAL ROAD

Block 77' 0.3m reserve

DEPARTMENTS OF THE PLANNING ACT 1983

1. Planning  
2. Survey  
3. Engineering  
4. Health  
5. Social Services  
6. Fire  
7. Police  
8. Public Works  
9. Parks and Recreation  
10. Transportation  
11. Environment  
12. Housing  
13. Community Development  
14. Cultural Affairs  
15. Other

OWNER'S CERTIFICATE

SUBDIVISION CERTIFICATE

MAINTENANCE & REPAIRS



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 August 2  
ZA-90-88; Ryckmans Neighbourhood

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms, M.C.I.P.  
Commissioner of Planning and Development

**SECOND REPORT**

**SUBJECT:** Request for changes in zoning - Nos. 1425 and 1429  
Upper James Street.

**RECOMMENDATION:**

That approval be given to amended Zoning Application 90-88 775751 Ontario Inc. (John Paisley), prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "2" to permit development of Blocks "1" and "2" for a commercial plaza with the adjoining lands to the south and east, for property located at Nos. 1425 and 1429 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to Blocks "1" and "2", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of Blocks "1" and "2" until a site plan is approved incorporating these lands with the lands to the south and east.

Removal of the holding restriction shall be conditional upon the approval of a site plan incorporating Blocks "1" and "2" with the adjoining lands to the south and east.

- ii) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District;

- iii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District;
- iv) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
  - a) That notwithstanding Section 14A(3)(a) of By-law No. 6593, a front yard of not less than 24.0 m shall be provided and maintained;
  - b) That a landscaped area of not less than 3.0 m in width, excluding vehicular access, shall be provided and maintained adjacent to the Upper James Street road allowance;
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and the subject lands on Zoning District Maps E-9C and E-9D be notated S- ;
- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9C and E-9D for presentation to City Council; and,
- vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

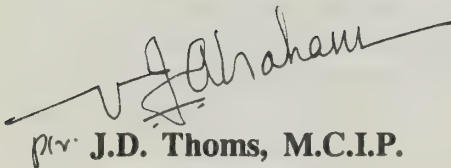
**EXPLANATORY NOTE:**

The amending By-law establishes the holding provisions of Section 35(1) of The Planning Act, R.S.O., by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. Removal of the holding provision will be conditional upon approval of a site plan incorporating Blocks "1" and "2" with the lands to the south and east. Once a site plan is approved, the passage of an amending By-law to remove the holding provision will give effect to the "HH" (Restricted Community Shopping and Commercial) District provisions.

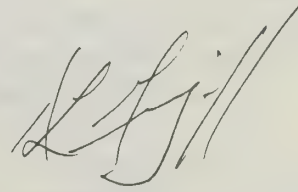
The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District modified for Block "1" and from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District modified for Block "2", for property located at Nos. 1425 and 1429 Upper James Street, as shown on the attached map.

The effect of the By-law is to permit future commercial development of the subject lands with the adjoining lands to the south and east. In addition, the By-law establishes the following variances as special requirements for Blocks "1" and "2":

- a minimum 24.0 m front yard setback whereas 12.0 m is required;
- a minimum 3.0 m landscaped area, excluding vehicular access, shall be provided and maintained adjacent to the Upper James Street road allowance whereas normally no landscaped area would be required.



**J.D. Thoms, M.C.I.P.**  
Commissioner,  
Planning and Development Department



**A.L. Georgieff, M.C.I.P.**  
Director - Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Original Report

On May 8, 1991, the Planning and Development Committee held a public meeting to consider Zoning Application 90-88. However, since the applicant was not in attendance to speak on behalf of the proposal, the Committee directed that the application be tabled.

- Proposal

The applicant is seeking to rezone the subject property from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "2" (see APPENDIX "A"), to permit development of the subject lands for a commercial plaza in conjunction with the adjoining lands to the south and east (see APPENDIX "B").



- Zoning Application 89-104 - No. 1441 Upper James Street

At its meeting of May 23, 1990, the Planning and Development Committee approved this application for an Official Plan Amendment, changes in zoning, and a plan of subdivision for this property (see APPENDIX "C"). The purpose of the application was to establish commercial zoning ("HH" District) on the front portion of these lands, to extend the depth of commercially designated land from approximately 400 feet to approximately 580 feet, and to establish residential zoning on the rear portion of these lands. City Council, at its meeting of May 29, 1990, adopted the recommendation of the Planning and Development Committee.

By-law No. 90-185, which adopts Official Plan Amendment No. 91 (to extend the depth of commercially designated land) was passed by City Council on June 26, 1990 and approved by the Regional Municipality of Hamilton-Wentworth on October 16, 1990. By-law No. 90-228, which implements the changes in zoning, was adopted by City Council on July 31, 1990 and came into effect on that day. The plan of subdivision, as shown on APPENDIX "C", has received draft approval.

- Design Guidelines for Upper James Street Corridor

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Ryckmans Neighbourhood Plan. According to these guidelines the lands are designated to be "COMMERCIAL AND RETAIL WAREHOUSE", for which the following policies are applicable:

- a front yard of not less than 24.0 m; and,
- a landscaped area of not less than 3.0 m in width, excluding vehicular access, shall be provided and maintained adjacent to the Upper James Street road allowance.

**APPLICANT:**

775751 Ontario Inc. (John Paisley), prospective owner.

**LOT SIZE AND AREA:**

The subject lands have:

- 40.232 m (132 feet) of lot frontage on Upper James Street;
- 88.392 m (290 feet) of lot depth; and,
- 3,556.18 m<sup>2</sup> (38,280 square feet) of lot area.



**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"HH" - "H" (Restricted Community Shopping and Commercial - Holding) District, modified
to the south and east	vacant	"HH" (Restricted Community Shopping and Commercial) District, modified
to the west	single-family dwelling	"C" (Urban Protected Residential, etc.) District, modified

**OFFICIAL PLAN:**

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. With regard to the application of the 'H' holding provision, the following policy should be noted:

"D.3.3.3 Council, where deemed appropriate, will apply the holding provision of the ZONING BY-LAW, pursuant to The Planning Act, to specify the ultimate use of those lands which are contemplated for development or redevelopment at some time in the future. Thereby, Council will be able to preview proposals prior to development or redevelopment to ensure that it is compatible with surrounding land uses. The holding provision of the ZONING BY-LAW will be identified by the symbol 'H' in the ZONING BY-LAW and applied under one or more of the following circumstances:

- iv) Where an area must undergo further study, or where a detailed design plan is required, as designated in this Plan, or as will be determined by an Amendment to this Plan from time to time."

The proposal does not conflict with the intent of the Official Plan.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "COMMERCIAL AND RETAIL WAREHOUSE" on the approved Ryckmans Neighbourhood Plan. The proposal does not conflict with the intent of the Neighbourhood Plan.

**COMMENTS RECEIVED:**

- The following agency has no comment or objection:
  - Hamilton Region Conservation Authority.
- The Building Department has advised that:
  - "1. A 24.0m front yard and a 3.0m wide landscaped area, along the lot line adjacent to Upper James Street, are the special requirements applicable to the lands to the north and south. Therefore, it is recommended that the same special requirement be applicable to the lands under this application.
  2. Demolition permits are required for the lands subject to the Planning and Development Committee approval under the Demolition Control By-law."

- The Traffic Department has advised that:

"We have reviewed the above-noted application and find the proposed zoning satisfactory, subject to the approval of a site plan."

And further advised verbally that they have concerns regarding controlling the number of access points to Upper James Street and would prefer the amending By-law be held in abeyance until a site plan is approved for the assembled lands. However, they are willing to accept the holding zone on the subject lands until the site plan is approved.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper James Street is 36.58m. In accordance with this designation, as a condition of development approval, sufficient lands must be dedicated to the Region to establish the property line 18.29m from the centreline of the original Upper James Street road allowance.

Any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region's Road Use By-law."

**COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Ryckmans Neighbourhood Plan.
3. The proposal to rezone Blocks "1" and "2" has merit and can be supported for the following reasons:
  - i) it provides for a comprehensive development of the subject lands with the adjoining lands to the south and east;
  - ii) it implements the intent of the Official Plan and the approved Ryckmans Neighbourhood Plan; and,
  - iii) the requested zoning is appropriate for the subject development.

However, the Traffic Department has expressed concerns regarding a comprehensive development of Blocks "1" and "2" with the adjoining lands to the south and east and restricting access to Upper James Street. While the development of the subject lands with the adjoining lands to the south and east is appropriate, the concerns of the Traffic Department preclude development until such time as a site plan is submitted for the comprehensive development of all the lands. In this regard, it would be appropriate that the lands be subject to Section 35(1) of The Planning Act, R.S.O., whereby Council may, in a By-law, use a holding symbol 'H' in conjunction with any zoning district and specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law. The purpose of the 'H' holding symbol, as applied to Blocks "1" and "2", would be to require the approval of a site plan incorporating these Blocks with the adjoining lands to the south and east.

For the information of the Committee, the applicant has advised that it is his intention to develop the subject lands jointly with the lands to the south and east.

4. As the subject lands are within the area designated for the "Design Guidelines for the Upper James Street Corridor", it would be appropriate to include the following variances, as special requirements for Blocks "1" and "2", in the amending By-law:
  - a front yard of not less than 24.0 m; and,
  - a landscaped area of not less than 3.0 m in width, excluding vehicular access, be provided and maintained adjacent to the Upper James Street road allowance.

These requirements were also placed on the properties to the north and south of the subject lands.

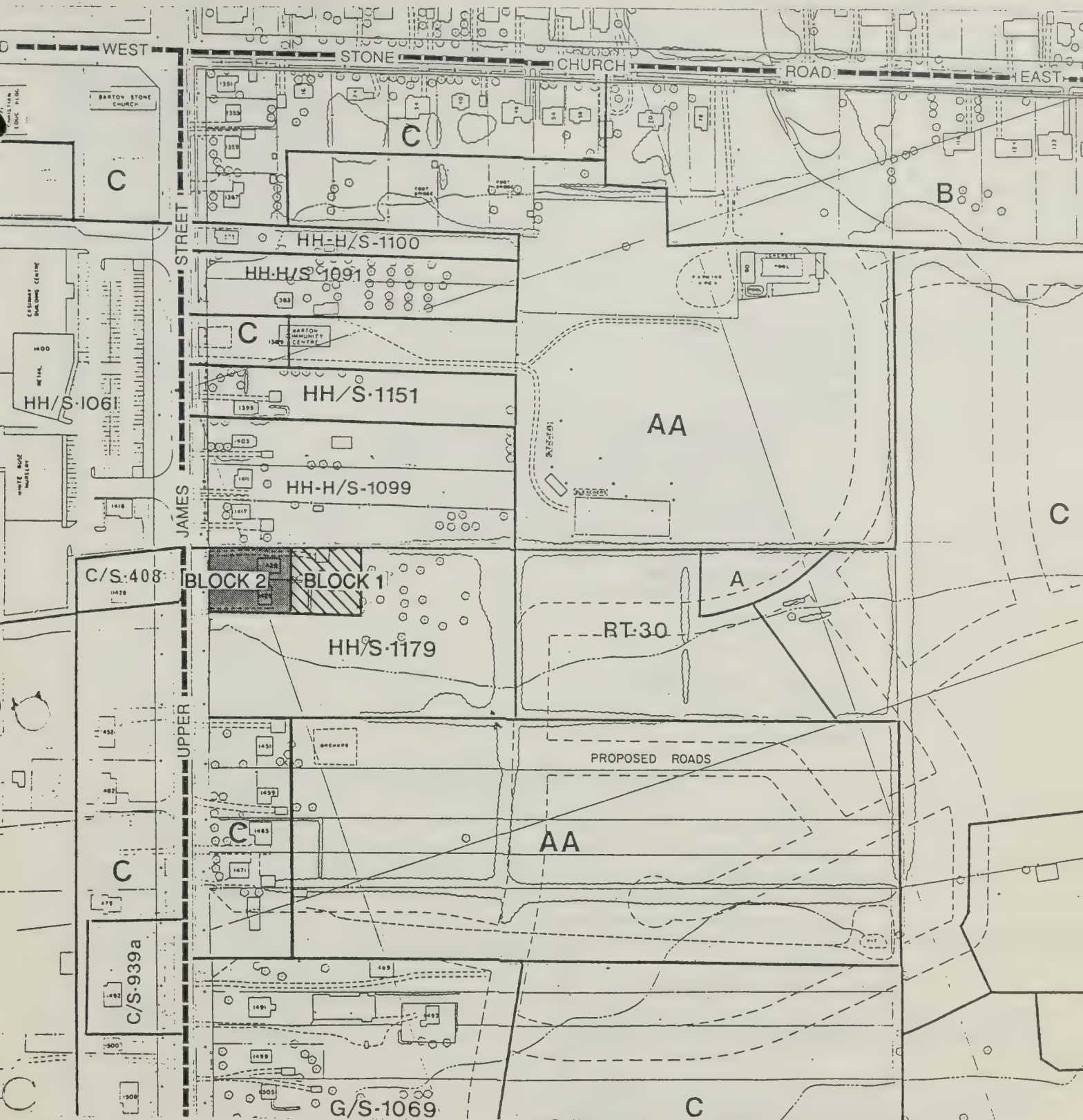
5. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as road widening, parking, landscaping, fencing, and the implementation of the Design Guidelines for Upper James Street will be addressed, for the assembled lands, through site plan approval.

***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

MLT/CL-M:ma  
WPZA9088





### Legend

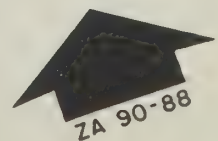
Proposed change in zoning from:



"AA" (Agricultural) District to "HH"-H" (Restricted Community Shopping and Commercial-Holding) District.



"C" (Urban Protected Residential, etc.) District to "HH"-H" (Restricted Community Shopping and Commercial-Holding) District.



775751 Ontario Inc.  
P.O. Box 4038, Station 'D'  
Hamilton, Ontario  
L8V 4L5  
April 30, 1991

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		APR 30 1991		
TO	STAFF	INIT.	INFO.	ACT.
DIA.				
PREP.				
INT.				
DEV.	PM			
PLAN.				
S.	MLT	mf		
CARE.				
ADMIN.				

City of Hamilton  
City Planning Department  
City Hall, 71 Main Street West  
Hamilton, Ontario  
L8N 3T4

ATTENTION: MARY LOU TANNER

Dear Mary Lou:

RE: RE-ZONING APPLICATIONS FOR 1425 AND 1429 UPPER JAMES

We are the owners of the commercial property known as 1441 Upper James and the prospective owners of 1425 and 1429 Upper James Street. 1429 Upper James is zoned H-H and we need to have 1425 and 1429 zoned H-H so we can merge the properties and develop all three parcels as one complete project. We are proposing to build a retail-commercial plaza on the site.

Respectfully,

775751 ONTARIO INC.

per:

*Nick Carnicelli*  
Nick Carnicelli  
Project Manager

NC/jc

N.W. CORNER OF  
LOT 14 - CON. 8

STONE CHURCH ROAD EAST

LOT 14

LOT 13

320.02

UPPER JAMES STREET

BLK. 5

BLOCK 4

BLOCK 3

BLK. 2

PROPOSED  
STREETS

NOTE: ALL DIMENSIONS  
ARE IN METRES

North



Scale  
NOT TO SCALE

Date  
JUNE 1990

Reference File No.  
ZA 89-104

Drawing No.  
Z. K.

# CITY OF HAMILTON KEY MAP

TO BY-LAW NO. 90-218.

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend

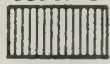
## CHANGES IN ZONING FROM:

BLOCK 1



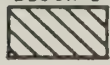
"AA" (AGRICULTURAL) DISTRICT TO "A" (CON-  
SERVATION, OPEN SPACE, PARK AND RECRE-  
ATION) DISTRICT.

BLOCK 2



"AA" (AGRICULTURAL) DISTRICT TO "C" (UR-  
BAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

BLOCK 3



"AA" (AGRICULTURAL) DISTRICT TO "RT-30"  
(STREET - TOWNHOUSE) DISTRICT.

BLOCK 4



"AA" (AGRICULTURAL) DISTRICT TO "HH" (RE-  
STRICTED COMMUNITY SHOPPING AND  
COMMERCIAL) DISTRICT, MODIFIED.

BLOCK 5



"C" (URBAN PROTECTED RESIDENTIAL, ETC.)  
DISTRICT TO "HH" (RESTRICTED COMMUNITY  
SHOPPING AND COMMERCIAL) DISTRICT,  
MODIFIED.





14

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** August 13, 1991  
ZA-91-32; Kennedy East Neighbourhood

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning - No. 82 Christie Street.

**RECOMMENDATION:**

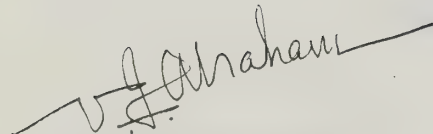
That approval be given to Zoning Application 91-32, Mary O. Velenosi, owner, for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of one single-family dwelling lot, for property located at No. 82 Christie Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

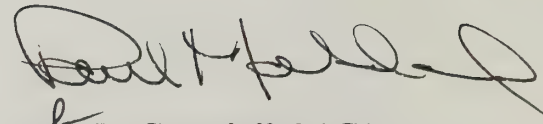
**EXPLANATORY NOTE:**

The purpose of the By-Law is to provide for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for lands located at No. 82 Christie Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to provide for the creation of one new single-family dwelling building lot fronting onto Christie Street.

  
 per J. D. Thoms, M.C.I.P.

Commissioner  
 Planning and Development Department

  
 A. L. Georgieff, M.C.I.P.  
 Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The applicant has requested a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District. If the application is approved, the applicant intends to apply for a severance to create one additional building lot for a single-family dwelling. The new lot would have 15.24 m (50 feet) of lot frontage onto Christie Street and a depth of 28.96 m (95 feet). The existing single-family dwelling on Christie Street would remain.

- Neighbourhood Plan Review and Zoning Application ZA-89-125, 63 and 67 Malton Drive

On February 7, 1990, the Planning and Development Committee held a public meeting to consider the above noted application. The proposal was to rezone 63 and 67 Malton Drive from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to allow the severance of two additional single-family building lots. The new lots were to front onto Christie Street and the two existing single-family homes on Malton Drive would remain. The Planning and Development Department recommended denial of the application on the basis that:

- the proposal was incompatible with the character of the established area;
- approval of the proposal could encourage other similar applications, which could alter the character of the area; and,
- the proposal represented an undesirable intrusion of a "C" District into the established "B" District area.

The Committee directed that a Neighbourhood Plan review be undertaken to examine the potential for development within the Kennedy East Neighbourhood.

Consequently, a review of the potential for additional development within the existing built up area was undertaken, and considered by the Committee on April 18, 1990. Zoning Application 89-125 was also reconsidered at that meeting. Planning staff recommended that the Neighbourhood Plan remain unchanged, concluding that further development in the Kennedy East Neighbourhood was neither feasible nor desirable. In addition, it was identified that the only opportunity to provide for additional lots was along Christie Street. In this regard, approximately 18 additional single-family residential building lots could be created (see APPENDIX "B"). No. 82 Christie Street was identified as the location of a potential new single-family residential lot, see No. 8 on APPENDIX "B". Staff also recommended denial of application 89-125, for the same reasons outlined above. However, the Planning and Development Committee and Council approved ZA-89-125 and in effect endorsed the concept of allowing for the creation of additional lots fronting onto Christie Street.

***APPLICANT:***

Mary O. Velenosi, owner.

***LOT SIZE AND AREA:***

The subject lands have:

- 28.96 m (95 feet) of lot frontage on Alderson Street;
- 51.82 m (170 feet) of lot frontage on Christie Street; and,
- 1,500.34 m<sup>2</sup> (16,150 square feet) of lot area.

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"B" (Suburban Agricultural and Residential, etc.) District
<u>Surrounding Lands</u>		
to the north, west and east	single-family dwellings	"B" (Suburban Agricultural and Residential, etc.) District
to the south	single-family dwellings	"AA" (Agricultural) District



**OFFICIAL PLAN:**

The subject lands are designated Residential, the following policies, among others, apply:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.13      Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- C.7.2          Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

It is the intent of the above policies that the proposal be in keeping with the residential character of the area. Since the proposal is consistent with Council approved policy, which identifies the Christie Street frontage as acceptable for additional single-family development, the proposal can be deemed to be in keeping with the character of the area. As such, the proposal does not conflict with intent of the Official Plan.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "Single and Double Residential" on the approved Kennedy East Neighbourhood Plan, the proposal does not conflict with the Kennedy East Neighbourhood Plan.

**RESULTS OF CIRCULARIZATION:**

- The following Agencies and/or Departments have no comment or objection:
  - Hamilton Region Conservation Authority;
  - Traffic Department; and,
  - Township of Glanbrook.
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available on both Christie Street and Alderson Drive.



In the absence of any details shown, we advise that any works which may occur within the Christie Street or Alderson Drive road allowances, must conform to the City of Hamilton Streets By-Law.

The Traffic Department is to comment on access width and design."

- The Building Department has advised that:

"...the existing house must provide a 6.0 m (19.69 feet) front yard setback off Christie St., 1.2 m (3.94 feet) off the north and new south lot lines and 7.5 m (24.61 feet) off the west rear lot line.

If these setbacks have been provided and the zoning is changed to "C" residential zone then our department will have no comments."

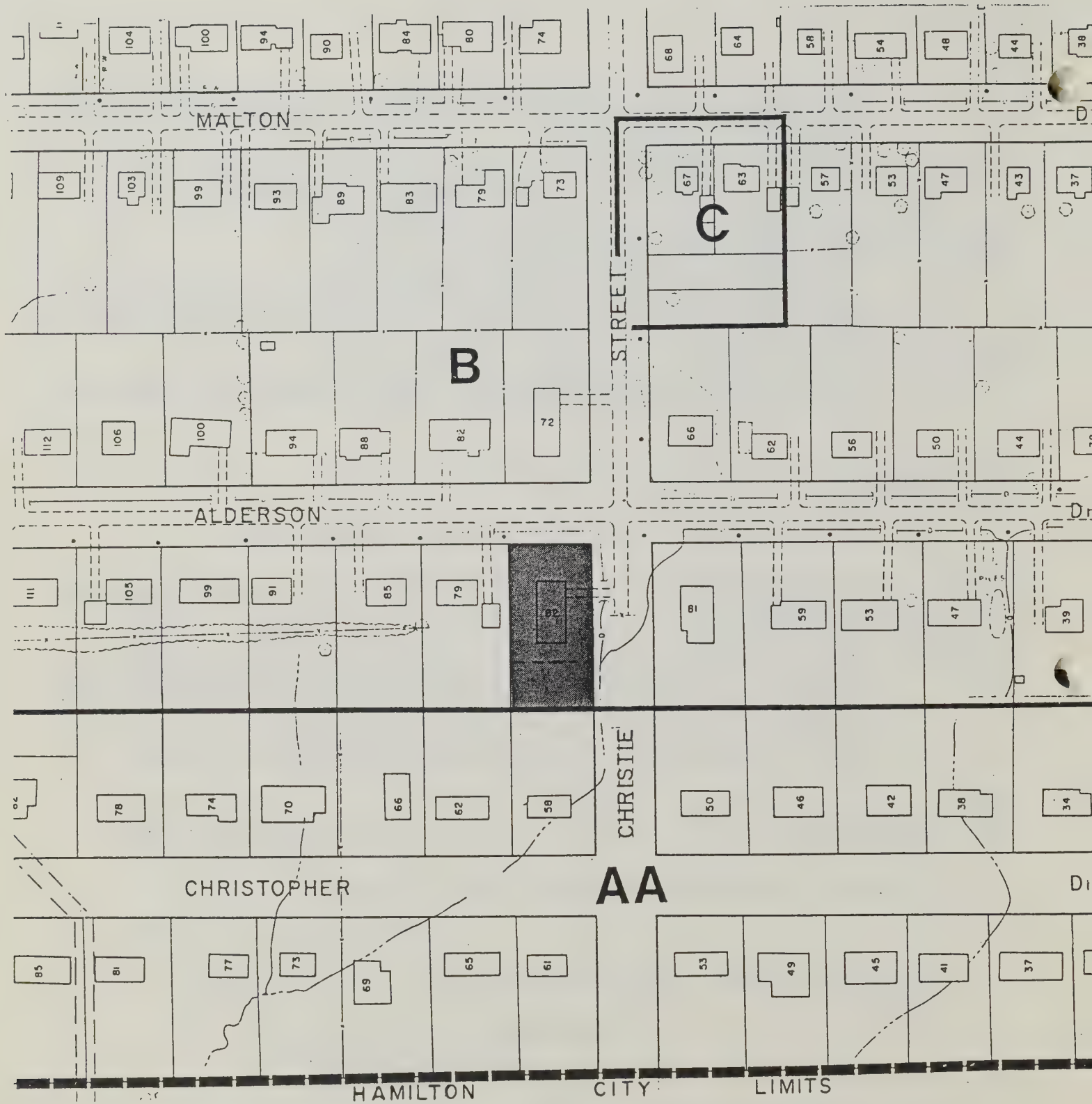
#### **COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Kennedy East Neighbourhood Plan.
3. Approval of the application would be consistent with Planning and Development Committee and Council adopted policy, to permit additional single-family development fronting onto Christie Street. In this regard, a similar application on Malton Drive, for the creation of two single-family building lots, fronting onto Christie Street, was approved by Planning and Development Committee and Council.

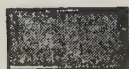
#### **CONCLUSION:**

On the basis of the foregoing, the application can be supported.

C.L-M:ns  
ZA9132



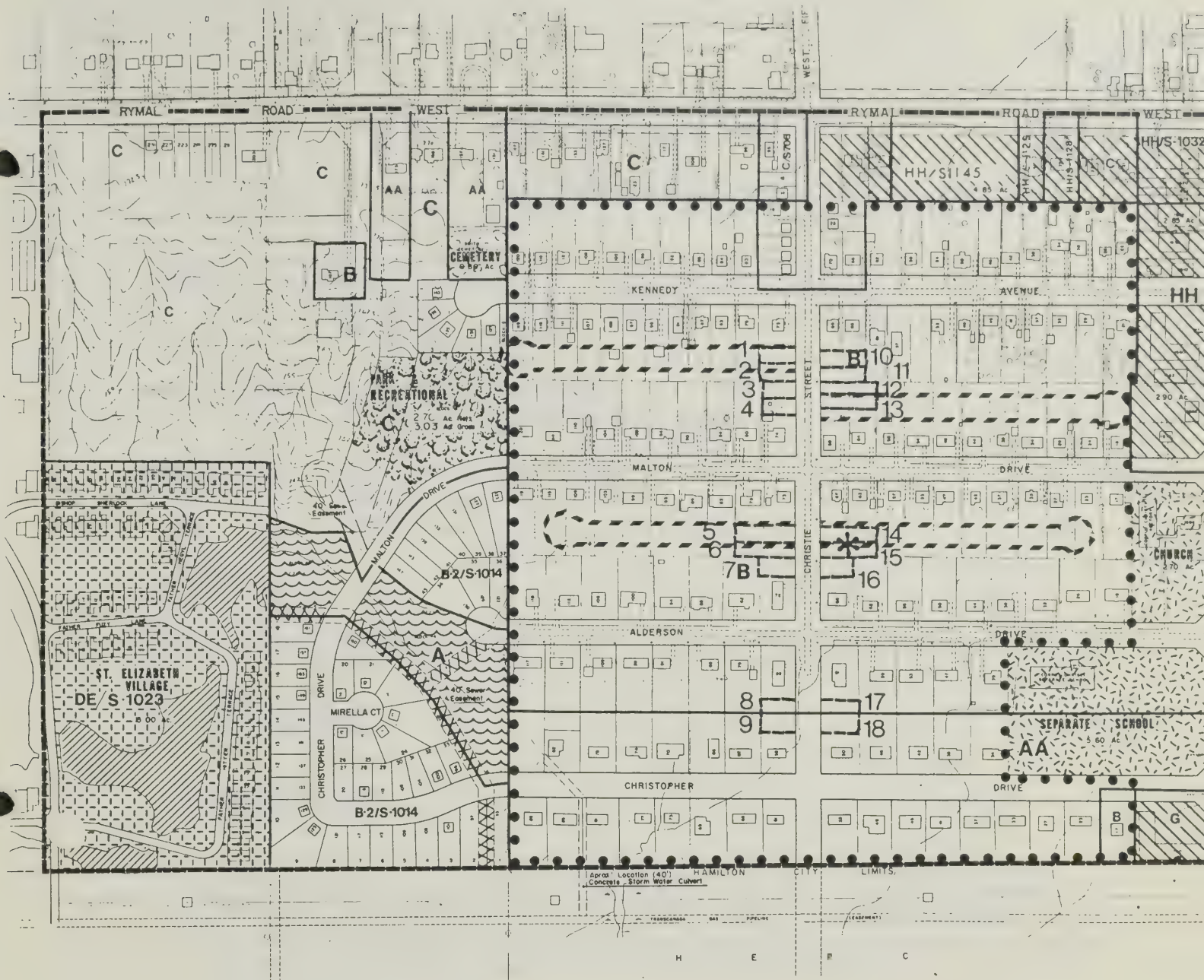
Legend



Site of the Application









**NOTE:** This is a **GUIDE PLAN** only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

## LEGEND

 **ST. ELIZABETH VILLAGE POND AREA 14.70 Acres (existing)**

 **POSSIBLE ROADS**

 **POTENTIAL LOTS (18)**








 **STUDY AREA**

 **RICHARDSON STOCKTON ZONING APPLICATION**


**EXISTING POPULATION (1988) 547**

## LAND USE

### RESIDENTIAL

-  single & double
-  attached housing
-  low density apartments
-  medium density apartments
-  high density apartments
-  commercial & apartments
-  st. elizabeth retirement village

-  **COMMERCIAL**
-  **INDUSTRIAL**
-  **CIVIC & INSTITUTIONAL**
-  **PARK & RECREATIONAL**
-  **OPEN SPACE**
-  **UTILITIES**
-  **FLOOD PRONE LANDS**

-  Neighbourhood Boundary
-  Zoning Boundary

**Approvals**  
Planning Committee MAR 11, 1987 Council MAR 11, 1987

Latest Revision Date JANUARY 10, 1990

**CITY OF HAMILTON**  
PLANNING DEPARTMENT

**KENNEDY EAST**

**APPROVED PLAN**



0 100 m  
SCALE 50 m





15

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** July 31, 1991  
ZA-90-96  
Butler Neighbourhood

AUG 13 1991

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms, M.C.I.P.  
Commissioner,  
Planning and Development Department.

***SUBJECT:***

Request for a change in zoning - land located on the north side of Rymal Road East and east of the Hydro Right-of-Way.

**SECOND REPORT**

***RECOMMENDATION:***

1. That approval be given to amended Zoning Application 90-96, Rymal Square Developments, Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified, for property located on the north side of Rymal Road East and east of the Hydro Right-of-Way, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
  - ii) That the "RT-20" (Townhouse-Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variance as a special provision:
    - a) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire northerly lot line;
  - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and the subject lands on Zoning District Maps E-27D and E-27E be notated S- ;

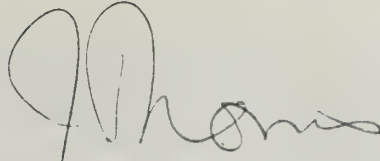
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27D and E-27E for presentation to City Council;
  - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
  - vi) That the approved Butler Neighbourhood Plan be amended on the following basis:
    - a) That the subject lands be redesignated from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING";
    - b) That the proposed road alignment, as indicated on APPENDIX "B", be deleted;
    - c) That the sixty-six foot wide walkway, as indicated on APPENDIX "B", across the Ontario Hydro Right-of-Way, be added to the Neighbourhood Plan;
2. That the applicant submit an application to the Region for approval of a revision to the draft approved plan of subdivision (Rymal Square Estates 25T-89022) to bring the present draft approved subdivision plan into conformity with the recommended zoning.
  3. That the amending By-law not be forwarded for passage by City Council until the applicant has entered into an agreement with the City, to the satisfaction of the City Solicitor, for the contribution of the sum of \$10,000.00 to be made to the City for landscaping of City lands adjoining the northerly lot line of the applicant's lands.

***EXPLANATORY NOTE:***

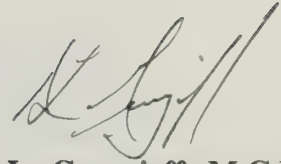
The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District, for lands located on the north side of Rymal Road East in the area east of the Hydro Right-of-Way, as shown on the attached map.

The effect of the By-law is to permit future development for townhouses or maisonettes. In addition, the By-law provides for the following variance as a special requirement:

- to require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the entire northerly lot line between the subject lands and the City owned park lands to the north.



**J.D. Thoms, M.C.I.P.**  
**Commissioner,**  
**Planning and Development Department**



**A.L. Georgieff, M.C.I.P.**  
**Director - Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Current Zoning Application

At its meeting held on March 20, 1991, the Planning and Development Committee TABLED the application at the applicant's request, in order to review matters related to a proposed berm with the Planning and Development Department and the Public Works Department-Parks Division, and to bring this matter back at the nearest convenient date.

On June 5, 1991, a meeting took place between the Ward Alderman and the respective parties. The terms of the agreement reached at this meeting are as follows:

1. Deletion of the proposed 25 foot landscaped berm easement.
2. That the applicant (Rymal Square Developments Inc.) will be responsible for:
  - a) the erection and maintenance of a visual barrier, at its cost, along the boundary between the subject property and the park lands to the north;
  - b) the planting of trees, shrubs and other vegetation on its side of the visual barrier to the satisfaction of the City. This will be accommodated under Site Plan Approval; and,
  - c) the contribution of the sum of \$10,000.00 to the City, to be used by the City for landscaping on its side of the aforesaid visual barrier.

- Proposal

The applicant is seeking to rezone the subject lands from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified to permit development of townhouses or maisonettes.



This proposal has necessitated a reassessment of the Butler Neighbourhood Plan for the south-east corner of the neighbourhood. As shown on APPENDIX "B", the proposed changes include a redesignation of the subject land from "Single and Double Residential" to "Attached Housing", the deletion of a roadway, and the inclusion of a walkway.

- Zoning Application 89-42 (SA-89-13; 25T-89022)

At its meeting of January 21, 1990, the Planning and Development Committee approved this application for an Official Plan Amendment, changes in zoning, and a subdivision for a comprehensive residential development of the lands north of Rymal Road East, between Upper Wentworth Street and Upper Sherman Avenue (see APPENDIX "C"). City Council, at its meeting of January 30, 1990 adopted the recommendation of the Planning and Development Committee.

By-law No. 90-41, which implements Official Plan Amendment No. 85 (to redesignate a portion of the lands from "UTILITIES" to "RESIDENTIAL"), was approved by the Regional Municipality of Hamilton-Wentworth on May 1, 1990.

By-law No. 90-177, which implements the changes in zoning, came into effect on June 26, 1990.

The draft plan of subdivision for the subject lands (Rymal Square Estates) was approved on May 25, 1990.

***APPLICANT:***

Rymal Square Developments Inc., owner.

***LOT SIZE AND AREA:***

The subject property is irregular in shape and has:

- 401.65 m (658.1 feet) of lot width;
- 89.98 m (295.21 feet) of depth; and,
- 1.44 ha (3.56 acres) of lot area.



**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	vacant	"AA" (Agricultural) District
to the south	vacant	"RT-20" (Townhouse-Maisonette) District modified and "AA" (Agricultural) District
to the west	Hydro Right-of-Way	"AA" (Agricultural) District
to the east	vacant	"DE-3" (Multiple Dwellings) District and "E-2" (Multiple Dwellings) District

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Butler Neighbourhood Plan. The proposal does not comply with the intent of the approved Neighbourhood Plan and approval of the application would require a redesignation to "ATTACHED HOUSING".

**COMMENTS RECEIVED:**

- The following agencies and departments have no comment or objection:
  - Hamilton Region Conservation Authority;
  - Traffic Department; and,
  - Building Department.
- The Hamilton-Wentworth Engineering Department has advised that:
 

"There are neither public watermains nor storm and sanitary sewers available to service the subject lands.

We recommend that these lands be developed through a draft plan of subdivision in order to deal with all servicing, widenings, grading matters, etc."

- The Public Works Department has advised that:

"The Public Works Department has no objection to the proposed road deletion or the redesignation from single and double to attached housing.

The proposed pedestrian linkage from the south-west corner of Billy Sherring Park, continuous westerly across Upper Wentworth Street is an excellent consideration..."

With regard to the previously recommended berm easement, the following revised comments were received:

"Deletion of the proposed conditional 25 foot landscaped berm easement and its replacement by a fence and landscaping, is satisfactory to the Park's Division, subject to the following conditions:

1. The Developer will be responsible to erect, at their cost, a fence between the subject property and the adjacent park. This fence shall be maintained solely by the developer or designate.
2. Trees and shrubs will be planted by the developer on their side of the property boundary, to the satisfaction of the site plan approval process.
3. The developer shall contribute a sum of \$10,000 to the City of Hamilton for the provision of landscape buffering on the park lands adjacent to the subject property boundary."

#### **COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Butler Neighbourhood Plan. Approval of the application would require a redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING".
3. The proposal has merit and can be supported for the following reasons:
  - i) it would be compatible with the proposed future development in the surrounding area;
  - ii) it would provide for increased affordable housing opportunities in this area of the City; and,

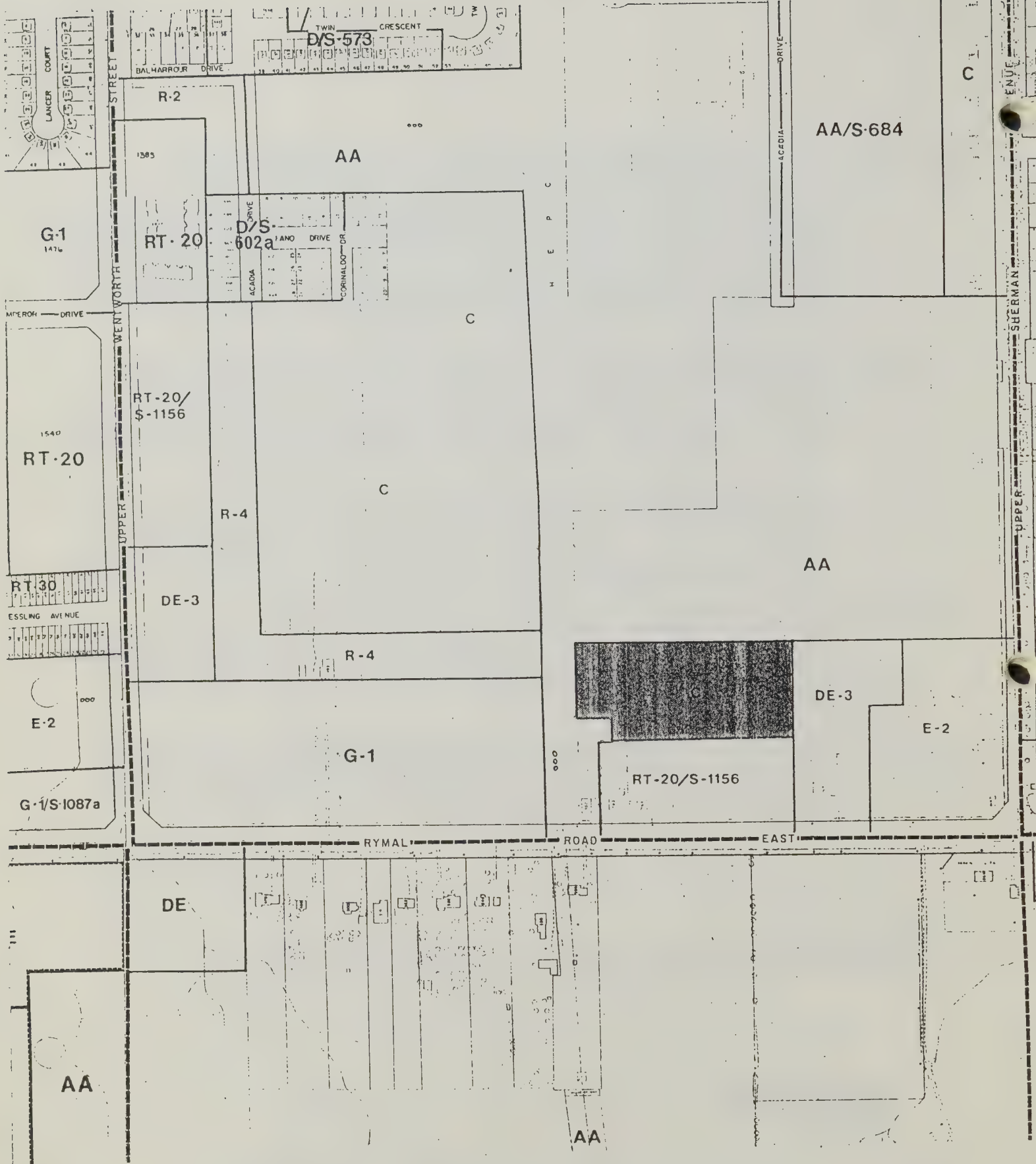
- iii) the requested zoning is appropriate for the proposed development.
4. Approval of this development requires certain design changes to the approved Butler Neighbourhood Plan. As shown on APPENDIX "B", these changes would include a redesignation of the subject lands from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING", establishment of a sixty-six foot wide walkway across the Hydro Corridor, and the deletion of a proposed road. As the application is being supported, these changes can also be supported.
  5. In keeping with the terms of the agreement reached with the applicant (see BACKGROUND), it would be appropriate that the amending By-law not be forwarded for passage by City Council until such time as the applicant has entered into an agreement, to the satisfaction of the City Solicitor, for the contribution of the sum of \$10,000 to the City towards the cost of landscaping.
  6. The Hamilton-Wentworth Engineering Department has advised that services are not available at this time. However, the subject lands are part of a larger plan of subdivision, for which draft approval has been granted. Accordingly, the servicing of the subject lands will be addressed through the plan of subdivision.
  7. To bring the present draft approved subdivision plan into conformity with the recommended zoning, it will be necessary for the applicant to submit an application to the Region for a revision to the draft approved plan of subdivision (Rymal Square Estates - 25T-89022).
  8. The "RT-20" (Townhouse Maisonette) District applicable to the subject lands is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as parking, access, grading, fencing, and landscaping will be addressed at that stage of development approval.

#### **CONCLUSION:**

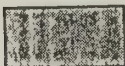
On the basis of the foregoing, an amended application can be supported.

GAW/MLT:ma/dkp  
WPZA9096

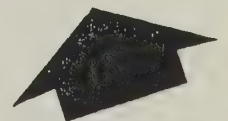




### Legend

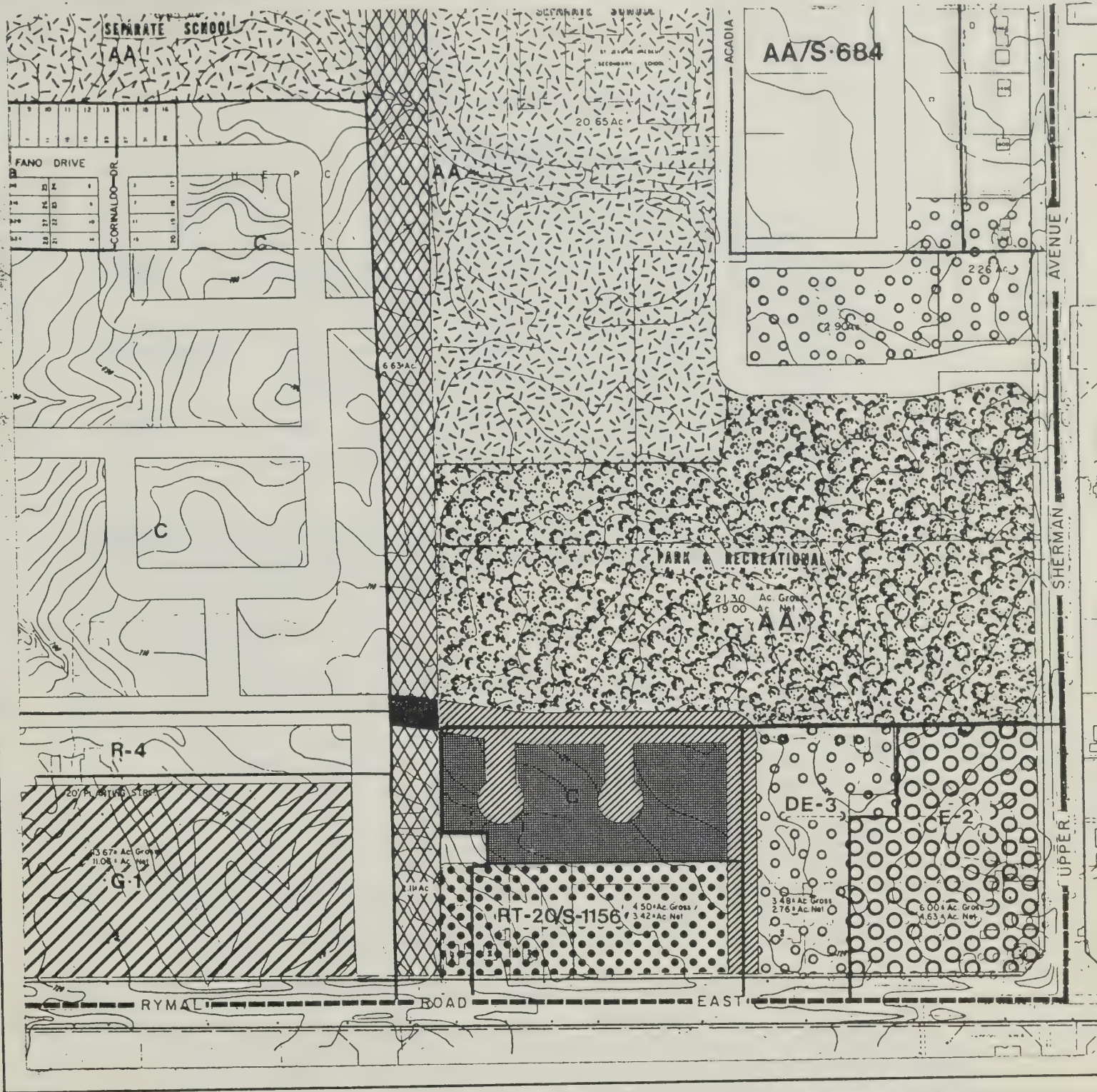


Site of the Application



ZA - 90 - 96





## PROPOSED AMENDMENTS BUTLER NEIGHBOURHOOD PLAN

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

### Legend



Redesignation From "Single And Double Residential"  
To "Attached Housing."



Deletion Of Roadway



Walkway (66 feet in width)

North

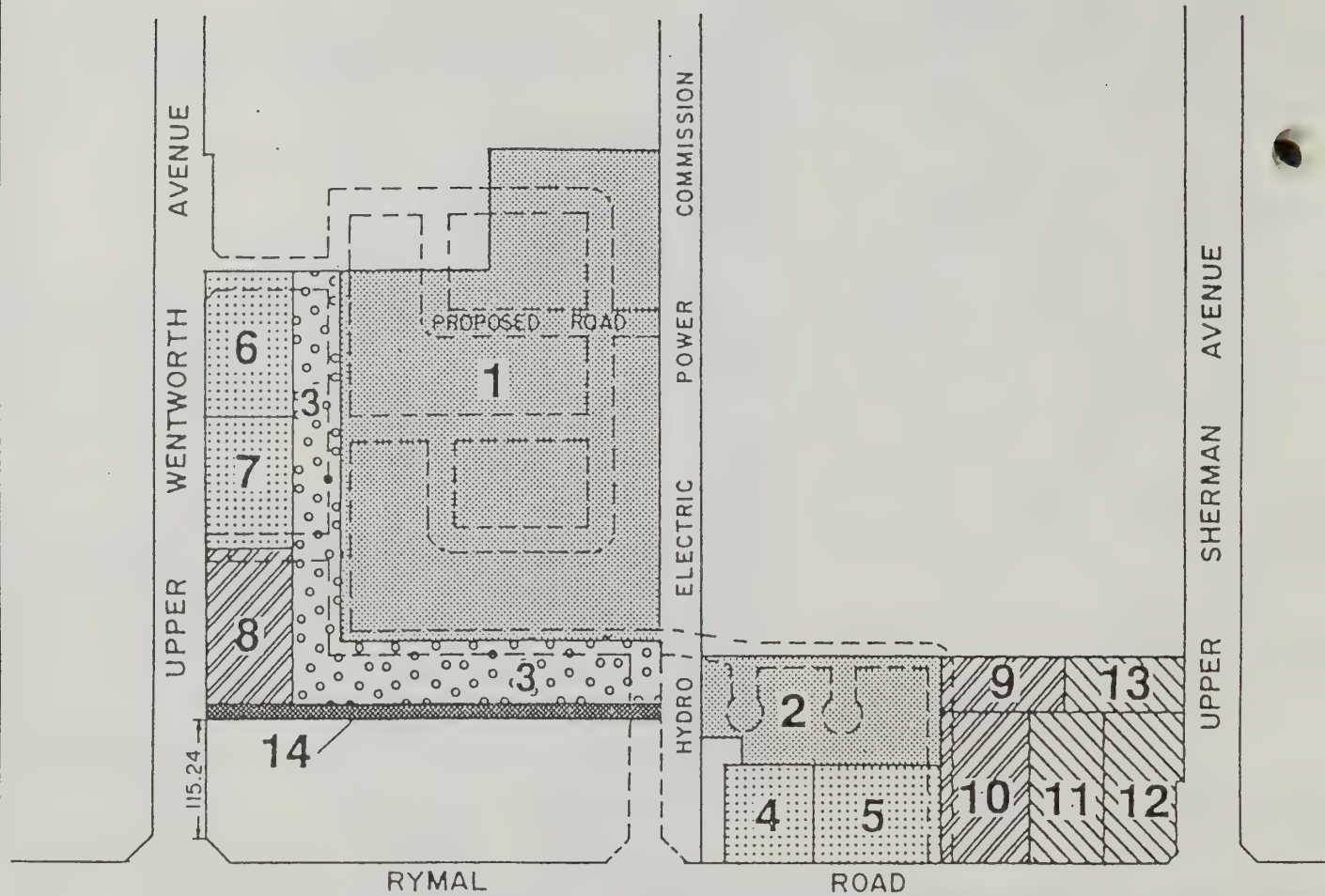


Scale  
NTS

Date  
91-03-05

Reference File No.

Drawing No.  
APPENDIX B



#### Legend

Change in zoning from "AA" (Agricultural) District to:

BLOCKS 1 & 2		"C" (Urban Protected Residential, etc.) District.
BLOCK 3		"R-4" (Small Lot Single-Family Detached) District.
BLOCKS 4, 5, 6 & 7		"RT-20" (Townhouse-Maisonette) District, Modified.
BLOCKS 8, 9, & 10		"DE-3" (Multiple Dwellings) District.
BLOCKS 11, 12 & 13		"E-2" (Multiple Dwellings) District.
BLOCK 14		"G-1" (Designed Shopping Centre) District.

City of Hamilton

## Key Map

to By-Law No. 90-177..

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

NOTE: All dimensions are in metres

North



Scale  
NOT TO SCALE

Date  
MARCH, 1989

Reference  
ZA89-42

Drawn By  
T.A.



16

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 August 12  
(CI-91-B - Durand Neighbourhood)

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms, M.C.I.P.  
Commissioner of Planning and Development

**SUBJECT:** City Initiative 91-B to implement the MacNab-Charles  
Heritage District Plan.

**RECOMMENDATIONS:**

1. That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit limited commercial uses within the existing buildings, for properties located at Nos. 122-126 MacNab Street South and Nos. 109, 111, and 123 Charles Street and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That approval be given to City Initiative 91-B for a modification to the established "E-3" (High Density Multiple Dwellings) District regulations, to permit limited commercial uses within the existing buildings, for properties located at Nos. 122-126 MacNab Street South and Nos. 109, 111, and 123 Charles Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That By-law No. 87-29 be repealed in its entirety.
  - ii) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
    - a) That notwithstanding Section 11C(1) of By-law No. 6593, the following commercial uses shall be permitted only within the buildings existing on the date of the passing of the By-law:
      1. professional and medical offices;

2. art gallery;
3. bookstore;
4. opticians' offices;
5. optometrists' establishments;
6. photographer's or artist's studio;
7. beauty salon; and,
8. barbershop/hairdresser.

b) That notwithstanding Section 11C(1) of By-law No. 6593, the following accessory use to the commercial uses referred to in subclause a), shall be permitted:

1. One business identification sign that is a ground sign, wall sign or projecting sign that complies with all of the following requirements;
  - A. The area of the sign shall not exceed 0.4 m<sup>2</sup>;
  - B. The sign shall be non-illuminated or illuminated by non-flashing, indirect, or interior means only;
  - C. No sign shall be situated less than 1.5 m from the nearest street line;

c) That notwithstanding Section 18A, no required parking and no non-required parking shall be permitted in the front yard;

- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-5 be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5 for presentation to City Council;
- v) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,
- vi) That the approved Durand Neighbourhood Plan be amended by redesignating the subject lands from "LOW DENSITY APARTMENTS" to "COMMERCIAL AND APARTMENTS - HERITAGE CONSERVATION DISTRICT".



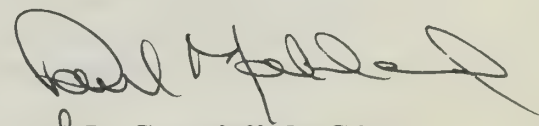
**EXPLANATORY NOTE:**

The purpose of the By-law is to modify the established "E-3" (High Density Multiple Dwellings) District regulations for properties located at Nos. 109, 111, and 123 Charles Street and Nos. 122-126 MacNab Street South, as shown on the attached key map.

The effect of the By-law is to permit conversion of the existing buildings to:

- professional offices including medical offices;
- art gallery;
- bookstore;
- optician offices;
- optometrist establishments;
- photographer's or artist's studio.
- beauty salon; and,
- barbershop/hairdresser.

  
 per: J.D. Thoms, M.C.I.P.  
 Commissioner  
 Planning and Development Department

  
 A.L. Georgieff, M.C.I.P.  
 Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- By-law No. 90-144 - MacNab-Charles Heritage District

At its meeting of January 30, 1990, the Planning and Development Committee adopted the Final Plan for the MacNab-Charles Heritage District. The Plan established the boundaries of the District (see APPENDIX "B"); identified the need to undertake an initiative to pass an Official Plan Amendment to establish the District as a Special Policy Area; and to undertake a modification in zoning to permit limited commercial uses (professional offices; art gallery; bookstore) in the existing heritage buildings only.

By-law No. 90-144, which established the District boundaries, was passed by City Council on May 8, 1990. The By-law must be approved by the Ontario Municipal

Board. The hearing was held on March 25, 1991 at which time the Board was informed that no objections were received to the By-law. The Board subsequently approved By-law No. 90-144, subject to the City fulfilling the following conditions:

- i) The By-law designating the MacNab Presbyterian Church under Part IV of the Ontario Heritage Act has been repealed; and,
- ii) The Official Plan and Zoning By-law Amendments recommended in Section 4.3 of Part 2 of the Report on the MacNab-Charles Heritage District, dated November 1989, are in force.

By-law No. 91-109 repealed the designation of the MacNab Presbyterian Church. This action was necessary as the Ontario Heritage Act does not allow for a building to be designated under both Part IV (Designation of Buildings) and Part V (Designation of Heritage Conservation Districts).

• By-law 87-29 (ZA 86-88) - No. 126 MacNab Street South

At its meeting of December 9, 1986, the Planning and Development Committee approved this application to permit a lawyer's office within the existing building. City Council, at its meeting of December 16, 1986, adopted the recommendation of the Planning and Development Committee.

By-law No. 87-29, which implements the foregoing modification in zoning, was passed on January 27, 1987 and came into effect on that day.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	MacNab Presbyterian Church, multiple dwellings, lawyer's office	"E-3" (High Density Multiple Dwellings) and "E-3" (High Density Multiple Dwellings) District modified
<u>Surrounding Lands</u>		
to the north	TH&B railway line, Hamilton City Hall, and Whitehern	"HI" (Civic Centre Protected) District
to the south and west	multiple dwellings	"E-3" (High Density Multiple Dwellings) District

to the east

single-family homes and  
multiple dwellings

"E-3" (High Density  
Multiple Dwellings)  
District

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The following policies are applicable:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3      Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
  - iv)      Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- A.2.2.25      The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.
- A.2.1.7      In order to preserve and utilize older buildings no longer appropriate for RESIDENTIAL USE, and to provide a specialty type of Commercial service in proximity to the central area of the City, Council may permit the conversion of existing RESIDENTIAL buildings located in high-density RESIDENTIAL areas for Commercial Uses such as financial offices, as may be identified through the preparation of Neighbourhood Plans."

The subject lands are also located within SPECIAL POLICY AREA 3, for which the following policies are applicable:

- "A.2.9.3.1      The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii):
  - i)      It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy



Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population; and,

- ii) Council will encourage the relocation of non-Residential uses from predominantly stable Residential areas where the impacts of such use(s) cannot be effectively mitigated by means of, but not limited to, landscaping and buffering, building orientation and alterations to traffic flows."

The City Initiative does not comply with the intent of the Official Plan as the proposed commercial uses will not serve the daily retail needs of surrounding residents nor do they primarily cater to pedestrian traffic. Therefore, an Official Plan Amendment, to establish a Special Policy Area to permit limited commercial uses, is required.

It should be noted that Policy A.2.1.7 does not apply since the buildings are being used for residential purposes.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "LOW DENSITY APARTMENTS" on the approved Durand Neighbourhood Plan. The initiative would require a redesignation to "COMMERCIAL AND APARTMENTS - HERITAGE CONSERVATION DISTRICT".

#### ***COMMENTS RECEIVED:***

- The following agency has no comment:
  - Hamilton Region Conservation Authority.
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and sewers available to service the subject lands.

MacNab Street, Bold Street, and Charles Street basically are established to their ultimate road allowance width. According to our records, Hurst Place is presently established as a 6.0 m road allowance width which is considerably less than the minimum 15.24 m (50 feet) road allowance width for City of Hamilton Streets. Because redevelopment of these lands may occur at some future date due to natural catastrophe or fire, we recommend that a provision be placed in the designation that the zoning applies only to the existing buildings as contemplated by Policy 4.1.1, first condition.

Any works within the adjacent road allowances must conform to the Hamilton Streets By-law. Comments from the City of Hamilton Traffic Department should be considered."

- The Building Department has advised that:

"The property known as 126 MacNab Street South is presently subject to By-law 87-29 with special requirements which permit a lawyer's office with an accessory use of a business identification sign with restrictions."

Furthermore, they verbally advised that required parking could be provided in the front yard if all the regulations for manoeuvring and size of the spaces are met. In addition, non-required parking could be provided in the front yard as well.

- The Traffic Department has advised that:

"While we agree with the goals of a Heritage Conservation District, and have no objection to the above-noted block of land being designated as such a district, we do have some concerns with the conditions set out under the Land Use Policies.

The Land Use Policies state that the MacNab-Charles Heritage Conservation District shall be established as a Special Policy Area allowing certain buildings to be converted to professional offices (such as lawyers, accountants, engineers, architects, planners, doctors, dentists, chiropractors) but with minimal traffic and parking increases, sufficient off-street parking, and no front yard parking.

Contrary to these conditions, and by the very nature of the professional offices, there will be marked increase in traffic and in the demand for parking. There is limited on-street parking available and it is presently heavily utilized. It appears from the submitted plans that there is very limited room for off-street parking. This may result in a parking spillover onto the neighbouring streets. Therefore, as stated previously, while we support the proposal in its intent, the implementation of this proposal may not be viable."

#### **COMMENTS:**

1. The initiative does not comply with the Official Plan. Approval would require an Official Plan Amendment to establish a Special Policy Area to permit limited commercial uses within the existing buildings.
2. The initiative does not comply with the approved Durand Neighbourhood Plan. A redesignation from "LOW DENSITY APARTMENTS" to "COMMERCIAL AND APARTMENTS - HERITAGE CONSERVATION DISTRICT" is required.
3. The MacNab-Charles Heritage District Plan provides the following direction regarding the conversion of the heritage buildings for commercial uses:

"In order to enhance the functional viability of the existing buildings in the District, the following should be adopted:

- the "E-3" zoning shall be modified to allow limited commercial conversions; and,
- the MacNab-Charles Heritage Conservation District shall be established as a Special Policy Area with the appropriate policy direction in the Official Plan, permitting conversions limited to the following historic houses:
  - 122 - 126 MacNab Street South,
  - 109 - 111, 123 Charles Street,

and under the following conditions:

- preservation of the historic building;
- compatibility of use, limited to professional offices (such as lawyers, accountants, engineers, architects, planners, doctors, dentists, chiropractors) and other small offices or businesses deemed to be compatible with the District (such as art galleries, bookstores);
- environmental compatibility - no increase in noise, vibration, or odour;
- minimal traffic and parking increase, sufficient off-street parking, no front yard parking; and,
- minimal outdoor signage."

- Commercial Uses

Permitting conversion of the historic houses to limited commercial uses is intended to facilitate their retention. Accordingly, the commercial uses should be limited to those which are compatible with the existing residential uses in the District.

As noted, the District Plan suggests that professional offices and other small offices or businesses (bookstore, art gallery) compatible with the District be permitted.

Based on the review of the policies of the District Plan, similar zoning modifications in the area, and the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District uses, it is suggested that the following uses are appropriate:

1. professional and medical offices;
2. art gallery;
3. bookstore;



4. opticians' offices;
5. optometrists' establishments;
6. photographer's or artist's studio;
7. beauty salon; and,
8. barbershop/hairdresser.

The "E-1" District permits conversion of part or all of a building for a limited number of commercial uses (offices, opticians' offices, optometrists' establishments; and, a photographer's or artist's studio, barbershop/hairdresser and beauty salon) and, therefore, the uses permitted in "E-1" District would be no less feasible for this area.

- Parking

The District Plan recommends that front yard parking be prohibited. The Building Department has advised that any parking required for the commercial uses could, under Zoning By-law No. 6593, be provided in the front yard providing that the dimensions of the parking space and the manoeuvring area are met. Non-required parking could also be provided in the front yard. To implement this requirement, a variance to prohibit required and non-required parking from the front yard is necessary.

In addition, the Plan requires that sufficient off-street parking be provided. The properties which are the subject of this initiative are located within Area "B" on Schedule "I" of Zoning By-law No. 6593. This area reduces the required number of parking spaces for commercial uses by fifty percent. Furthermore, except for medical offices, the first 450 m<sup>2</sup> (4,843 sq. ft.) of commercial floor area is exempt from parking. Establishment of any of the proposed uses would be contingent upon the provision of the required parking.

- Signage

The District Plan recommends limited signage. The property located at No. 126 MacNab Street South currently is permitted a small sign not greater than 0.4 m<sup>2</sup>; non-illuminated or illuminated by non-flashing, indirect or interior means only; and, with a minimum 1.5 m setback from the street line. Accordingly, it would be appropriate to apply the same regulations to the remainder of the historic homes in the District.

4. By-law No. 87-29 established the modified zoning to permit a lawyer's office within the existing building for the property located at No. 126 MacNab Street South. The proposed By-law to implement the District Plan permits a broader range of commercial uses for this property and includes the special requirements of By-law No. 87-29. Therefore, it would be appropriate to repeal By-law No. 87-29 in its entirety.

5. The property owners of 111 Charles Street also own a lot of record which is located immediately to the south of the building at No. 111 Charles (see APPENDIX "A"). The owners of this lot were members of the District Plan Subcommittee. Since the adoption of the Plan by Council, they have realized that the proposed commercial uses are to apply to the existing buildings only. They have requested that the commercial uses also be permitted on the vacant lot of record which they own (see APPENDIX "C").

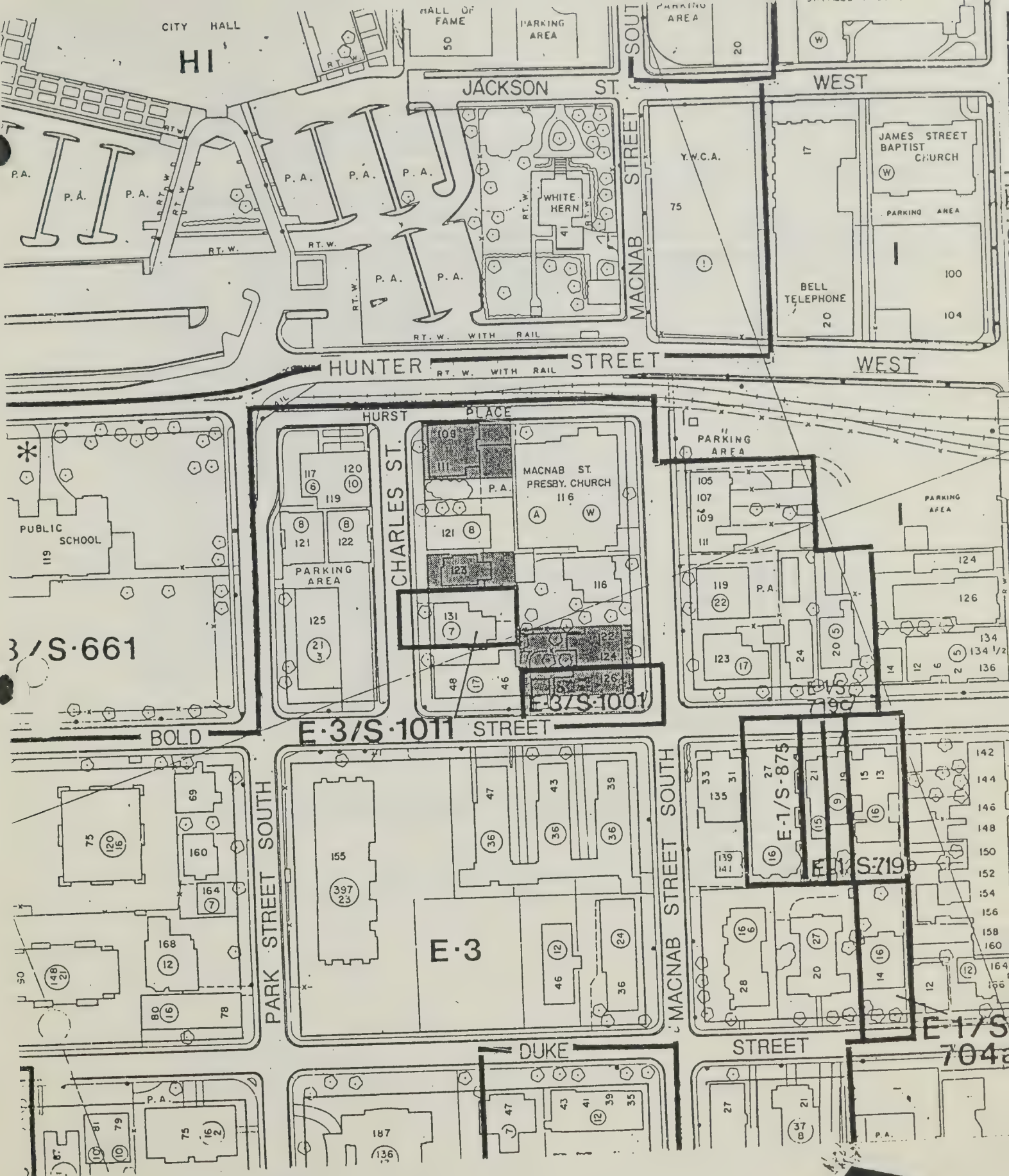
The request cannot be supported. The intent of the "commercial conversion" is to facilitate the maintenance and preservation of the original single-family historic homes.

However, should the land owners wish to pursue this matter, they could submit a zoning application for development of the vacant parcel which details the placement of a building, the incorporation of the District design guidelines, and the compatibility of a proposed commercial use. In this regard, the application would be reviewed on its own merits.

***CONCLUSION:***

On the basis of the foregoing, the initiative can be supported.

MLT/JHE:fd  
WPCI91B1



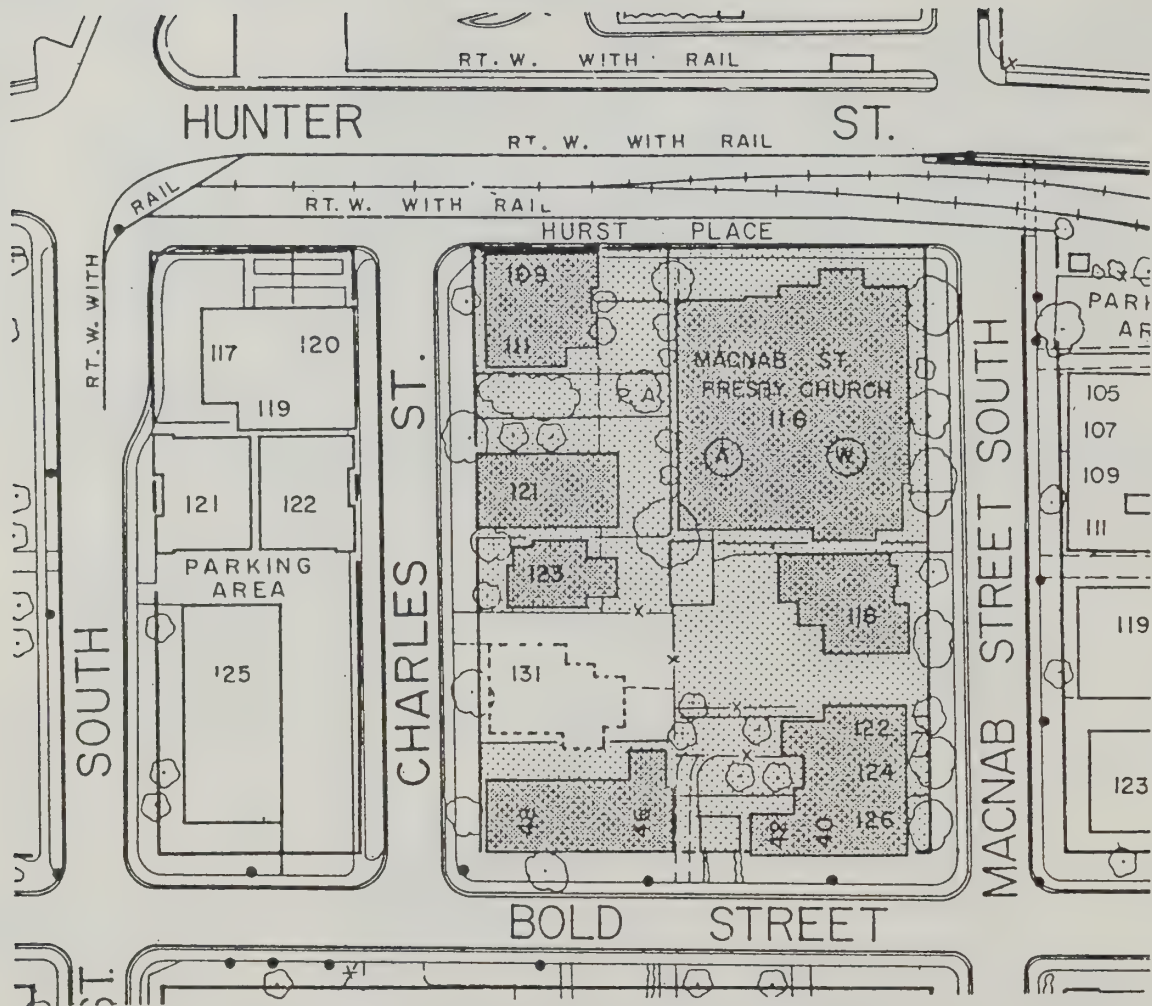
Legend



Subject Properties

APPENDIX A





Map of the MacNab-Charles District Boundaries

The streetscapes bordering the District show a definite change in character and age.

JOHN FOSS

RECEIVED  
PLANNING & DEVELOPMENT

AUG 2 1991

REGIONAL MUNICIPALITY OF  
HAMILTON-WENTWORTH

111 Charles Street  
Hamilton, Ontario  
L8P 3E4

19 July 1991

The Planning and Development Department  
City of Hamilton  
City Hall  
Hamilton, Ontario

Attention: Nina Chapple

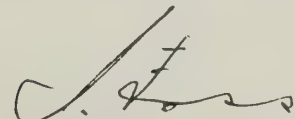
Re: File C191B

In our discussions and agreements to preserve the historical value of the heritage block -- McNab and Charles Streets, we made it clear that we would build on Lot 113 Charles Street, but in a fashion that would blend architecturally with the buildings on each side. We expected that commercial zoning would apply to both our house on 111 Charles Street and the lot on 113 Charles Street.

If the lot remains zoned "Residential", we would seek to have what we build on the lot achieve commercial zoning as the other buildings around it.

We would like to have this letter attached to the plans for the heritage block as an indication of our intentions and as a basis for agreement.

Sincerely yours,



J. Foss

  
Pat Foss





CI 91-B

155 Park St.

Box 412

RECEIVED

Hamilton Ont

SEP 5 1991

8 July 30 91

AUG 1 1991

CITY CLERKS

Dear Sir or Madam

Whilst we appreciate of  
the ~~affair~~ proposed changes to E.B.  
District Regulations - We would note  
however that PARKING should be  
provided on site at the offices to  
be proposed. We might point out  
that our street (Park St) has literally  
become exactly that Park St. We  
feel further congestion would ensue.  
If added parking on the street  
becomes a reality following these  
proposed changes.

Sincerely,

John Doe



CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** August 2, 1991  
ZA-91-24  
Bonnington Neighbourhood

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

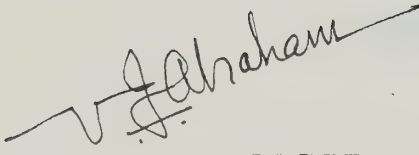
Request for a change in zoning - No. 674 Upper James Street.

**RECOMMENDATION:**

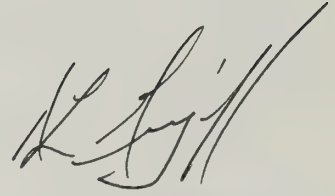
That Zoning Application 91-24, Bakado Enterprises, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, for property at No. 674 Upper James Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) It is contrary to the Official Plan which designates the property "RESIDENTIAL";
- ii) It is contrary to the Planning and Development Committee's decision respecting the Upper James Street Land Use Review to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,
- iii) Approval of the application is premature pending the future reconsideration of the Upper James Street Land Use Review and would encourage other similar applications which, if approved, would alter the character of the area.





per J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



A.L. Georgieff, M.C.I.P.  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Upper James Land Use Review

In 1987, as a result of requests for commercial zoning on Upper James Street between Wembley and South Bend Roads, the Planning and Development Committee directed the Planning Department to undertake a land use review of the area.

On June 20, 1990, a public meeting was held to discuss the findings of the study. The study outlined four possible land use options:

- Option 1

to retain the existing residential uses along Upper James Street;

- Option 2

to allow limited commercial uses within the existing buildings;

- Option 3

to allow redevelopment of the Upper James frontage for mixed residential/commercial uses; and,

- Option 4

to allow a comprehensive redevelopment of the blocks bounded by Upper James and West First Streets and South Bend and Wembley Roads for commercial or mixed commercial/residential uses.

The Planning and Development Committee adopted Option 1 which is to retain the existing residential uses. Since Option 1 did not require changes to Planning documents or policies, the Land Use Review was not required to be forwarded to Council for their consideration. It should be noted that staff recommended Option 2.

The Committee directed the Planning and Development Department to bring the Land Use Review back to the Committee for further consideration in a years time.

- Proposal

It is the applicant's intention to establish an orthopedic supply outlet within the existing dwelling.

**APPLICANT:**

Bakado Enterprises Inc., owner.

**LOT SIZE AND AREA:**

- 16.76 m (55.0 ft.) of lot frontage on Upper James Street;
- 27.05 m (88.75 ft.) of lot frontage along Wembley Road; and,
- 453.47 m<sup>2</sup> (4,881.0 sq.ft.) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwelling converted to a commercial use	"H" (Community Shopping and Commercial, etc.) District, modified
to the south	2 converted dwellings containing a chiropractor's office and a retail commercial use	"C" (Urban Protected Residential, etc.) District and "H" (Community Shopping and Commercial, etc.) District, modified
to the east	shopping centre	"G-1" (Designed Shopping Centre) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A". The following policies apply, among others:

- "A.2.1.1            The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings...
- A.2.1.3            Within areas designated RESIDENTIAL, land use compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:



- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

- A.2.2.25 The Local Commercial category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.
- A.2.2.26 The maximum site areas of any Local Commercial development will not exceed .4 hectare inkeeping with the intention that Local Commercial facilities are to serve local residential areas only with convenience goods and personal services.
- A.2.2.27 It is not the intent of Council that the Local Commercial category be included within the commercial classification indicated on Schedule "A" to this plan. Rather, it is the intent of Council that Local Commercial uses may be permitted within the residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of Local Commercial uses will be designated by Neighbourhood Plans."

The proposed use is a specialty type commercial use serving the City at large and, would not cater to the daily retail needs of surrounding residents and rely primarily on pedestrian traffic. Therefore, the proposal can not be permitted as a Local Commercial Use.

On the basis of the foregoing, the proposal does not comply with the intent of the Official Plan.

Approval of the application would require an amendment to the Official Plan to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL", and to establish a Special Policy Area to limit the types of commercial uses and to limit development to the existing building only.

#### **NEIGHBOURHOOD PLAN:**

There is no Neighbourhood Plan for the Bonnington Neighbourhood.

## COMMENTS RECEIVED:

- The Building Department has advised that:

"Has the alley been closed by a judge's order? If not, then it must be reopened, the hedge removed and the garage relocated."

- The Traffic Department has advised that:

"We do not support the sporadic rezoning of individual properties along Upper James Street as it will allow, in this application, a single-family dwelling to be surrounded by two unrelated commercial properties."

However, if this application is to be supported we request that as a condition of approval, a site plan be approved. This will ensure that the requirements for a medical office as per the zoning by-law can be provided on-site. The applicant should be advised that the majority of the site will be required to be paved and an existing pine tree may need to be removed in order to provide the required on-site parking.

We also request that the applicant initiate the closing and purchasing of the unassumed alley in the rear of the property. From the plans submitted, it appears that this alley exists only in the legal sense. It would appear to be in everyone's interest to dispose of this City owned property and incorporate it within the adjoining lands."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands."

In the absence of any details shown, we advise that any works within the Upper James Street and Wembley Street road allowances must conform to the respective streets By-laws. We recommend that should this application be approved that the lands be developed through site plan control.

We agree with the comments of the City of Hamilton Traffic Department in their comments dated June 3, 1991. We do not support the sporadic rezoning of individual properties along Upper James Street and as stated in the past, only consolidated

development and shared commercial access and parking proposed for this section of Upper James should be supported.

According to our records the alley to the rear of the subject lands is public unassumed."

- The Hamilton Region Conservation Authority, Hamilton-Wentworth Regional Police Department and the Heritage Planning Staff have not comments or objections.

#### COMMENTS:

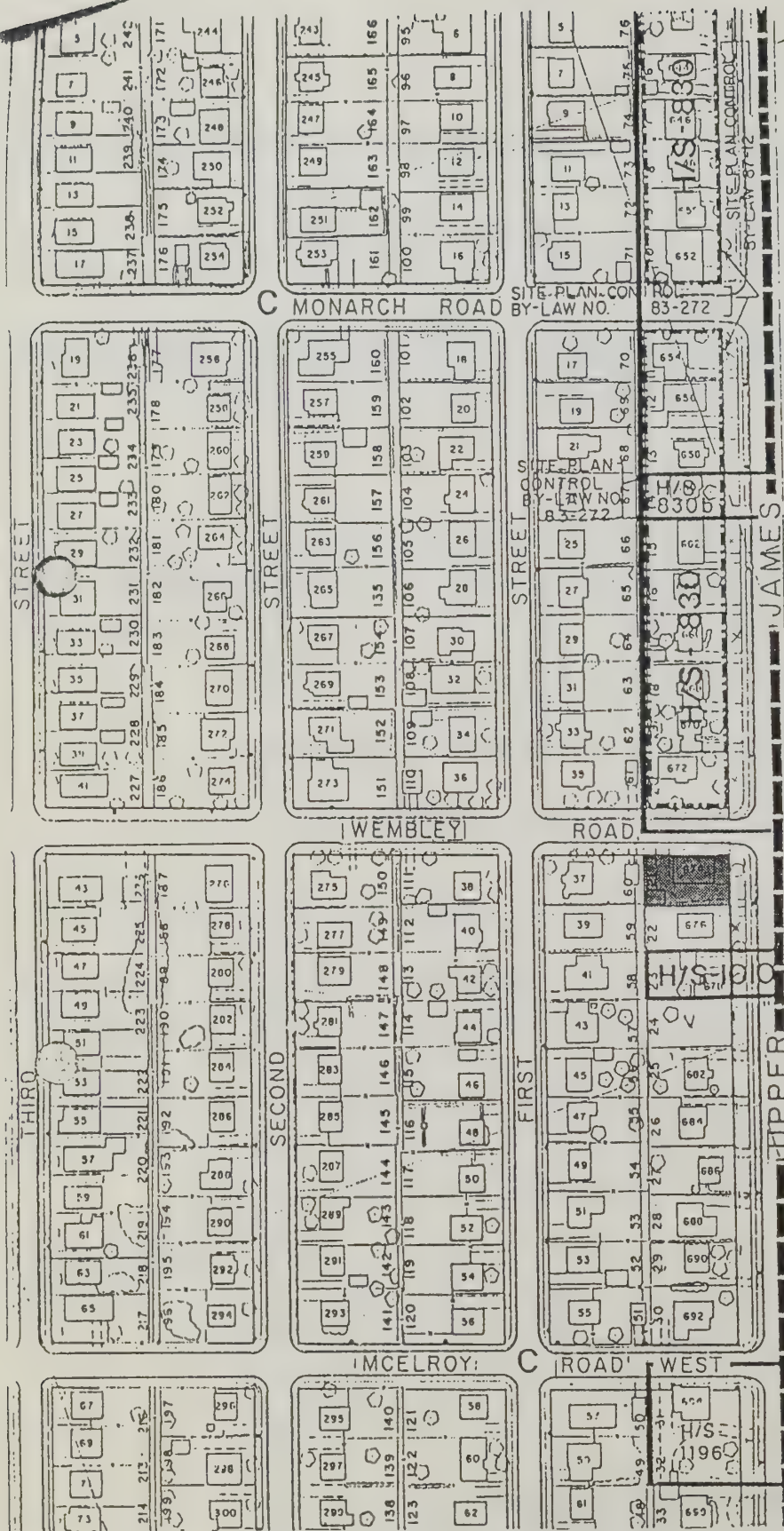
1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require redesignation of the subject lands from "RESIDENTIAL" to "COMMERCIAL" and to establish a site specific Special Policy Area to permit limited commercial uses within the existing building.
2. There is no Neighbourhood Plan for the Bonnington Neighbourhood.
3. The proposal cannot be supported for the following reasons:
  - i) it is contrary to the Official Plan which designates the property "RESIDENTIAL";
  - ii) at its meeting of June 20, 1990, the Planning and Development Committee, after reviewing the four options developed from the Upper James Street Land Use review, adopted Option 1 which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes. Accordingly, approval of the application would be contrary to Committee's decision to maintain the existing residential uses; and,
  - iii) approval of the application is premature pending the future reconsideration of the Upper James Street Land Use Review and would encourage other similar applications which, if approved, would alter the character of the area.

#### CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

GAW/ma





G-I/S  
286

G-I/S  
286

G-I/S  
506

# Legend



Site of the Application



18

CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** 1991, August 2  
ZA-90-74  
Industrial Sector "E" - McAnulty Neighbourhood

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

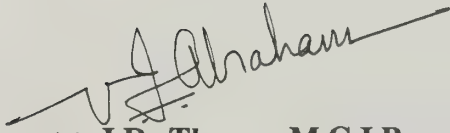
Request for a modification in Zoning - No. 49 Holly Avenue.

**RECOMMENDATION:**

That Zoning Application 90-74, Antonette Biggs, owner, requesting a modification to the "D" (Urban Protected Residential District - One and Two-Family Dwellings, Townhouses, etc.) District, to permit a two-family dwelling, for the property located at No. 49 Holly Avenue, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) It represents an over intensification of land use in that the lot frontage is 11.43 m and the lot area is 348.4 m<sup>2</sup> whereas the by-law requires a lot frontage of 18 m and a lot area of 540 m<sup>2</sup>. In addition, variances are required for the front and side yards and to permit the one parking space in the front yard.
- ii) It is incompatible with the surrounding development in the area which is characterized by single-family dwellings; and,

- iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area.



per. J.D. Thoms, M.C.I.P.

Commissioner

Planning and Development Department



A.L. Georgieff, M.C.I.P.

Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

**APPLICANT:**

Antonette Biggs, owner.

***BACKGROUND:***

- Current Proposal

The applicant wishes to permit a two-family dwelling. The building permit was issued for a single-family dwelling but the existing building has 2 front doors (see APPENDIX "B").

- Committee of Adjustment Application (A-89:243)

In 1989, the owner requested a variance to permit a 5.5 m front yard and the required parking in the front yard for a single-family dwelling. The variances were granted by the Committee of Adjustment at its meeting of September 6, 1989.



**LOT SIZE AND AREA:**

- 11.43 m (37.5 ft.) of lot frontage on Holly Avenue;
- 30.48 (100 ft.) of lot depth; and,
- 348.4 m<sup>2</sup> (3,750 sq.ft.) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north	Tire Shop	"H" (Community Shopping and Commercial, etc.) District
to the south, east and west	single-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings Townhouses, etc.) District

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A". The proposal does not conflict with the intent of the Plan.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "SINGLE AND DOUBLE HOUSING" on the approved McAnulty Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

## RESULTS OF CIRCULARIZATION:

- The following Departments and Agency have no comments or objections:

- Traffic Department;
- Hamilton-Wentworth Police Department; and,
- Hamilton Region Conservation Authority.

- The Building Department has advised that:

"1. Section 10 of the By-law permits a two-family dwelling subject to the following:

Lot Width	18.0 m (59.06')	Side Yards	1.2 m (3.94')
Lot Area	540.0 m <sup>2</sup> (5812.7 sq.ft.)	Rear Yard	7.5 m (24.61')
Front Yard	6.0 m (19.69')		

One parking space per dwelling unit located on the lot and not in the required front yard.

2. This proposed development of a two-family dwelling does not conform to the minimum requirements.
  3. The Committee of Adjustment Application A-89:243 only permits a proposed single-family dwelling to provide a 5.5 m front yard and the required parking space to be located in the front yard.
  4. This Department issued a building permit October 1989 for a single-family dwelling, which is presently under construction."
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

There are no road allowance widenings anticipated at this time.

Any works which may occur within the Holly Avenue road allowance must conform to the City of Hamilton's Streets By-law."

**COMMENTS:**

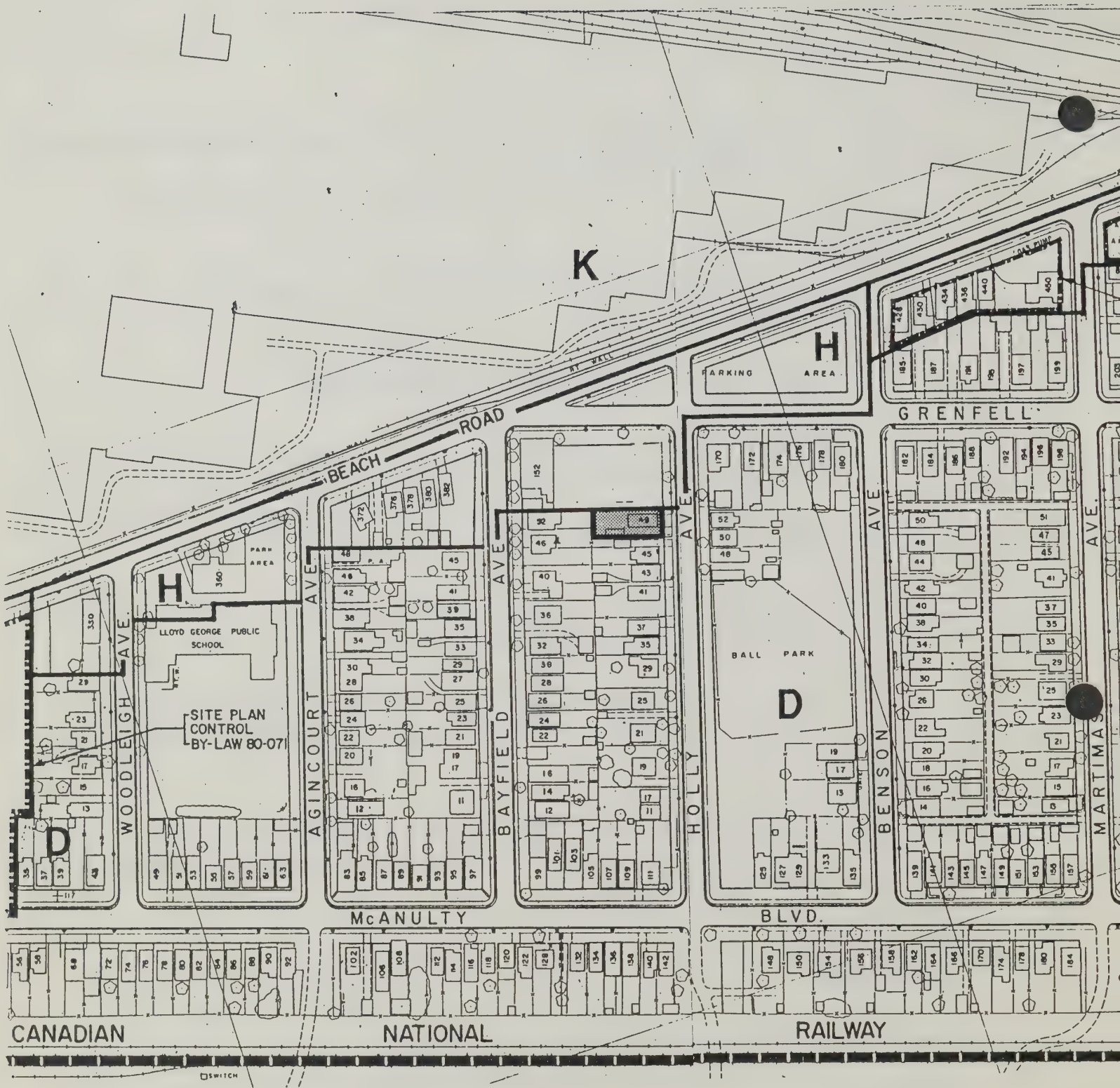
- 1) The proposal does not conflict with the intent of the Official Plan or the approved McAnulty Neighbourhood Plan.
- 2) The proposal cannot be supported for the following reasons:
  - a) it represents an over intensification of land use in that the lot frontage is 11.43 m and the lot area is 348.4 m<sup>2</sup> whereas the by-law requires a lot frontage of 18 m and a lot area of 540 m<sup>2</sup>. In addition, variances are required to the front and side yards and to permit the parking in the front yard;
  - b) it is incompatible with the surrounding development in the area which is characterized by single-family dwellings; and,
  - c) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area.
3. For the information of the Committee, the house has been built recently and has the external appearance of a two-family dwelling with 2 doors located at the front of the building (see APPENDIX "B").

**CONCLUSION:**

Based on the foregoing, the proposal cannot be supported.

JHE/ma  
ZA9074





Legend



Site of the Application



## 49 Holly Avenue



Picture Taken July 29, 1991





**CITY OF HAMILTON**

**- RECOMMENDATION -**

19

AUG 13 1991

**DATE:** July 3, 1991  
P5-2-6

**REPORT TO:** Susan Reeder, Secretary  
Planning and Development Committee

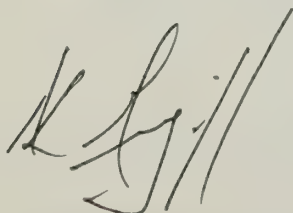
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

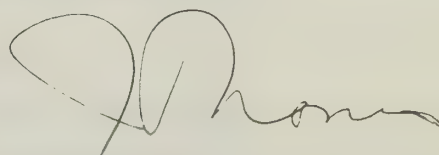
Allison Neighbourhood

**RECOMMENDATION:**

1. That approval be given to Official Plan Amendment No. to implement the Allison Neighbourhood Plan by redesignating lands located south of Rymal Road East, east of Upper James Street, from "Residential" to "Open Space" on Schedule "A" - Land Use Concept and by deleting Upper Wellington Street, (from Rymal Road to the City limits) from Schedule "F" - Major Roads, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That the proposed plan and policies for the Allison Neighbourhood, (Appendix 1 and Map 1) be adopted by Council.



A.L. Georgieff, M.C.I.P.  
Director of Local Planning



J.D. Thoms, M.C.I.P.  
Commissioner of Planning and Development

**FINANCIAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- The availability of sewer services will enable Allison Neighbourhood to be developed in 1992.
- A neighbourhood study was initiated in 1989. Background information was collected on land use, ownership, topography, etc., and a plan was prepared. The proposed plan would require an Amendment to the Official Plan to redesignate the park. The Amendment would also delete Upper Wellington Street (from Rymal Road to the City Limits) as a proposed arterial road, from Schedule F.
- The Allison Neighbourhood Plan attempts to provide a functional and attractive living environment for the residents of the neighbourhood, as well as commercial opportunities on the periphery of the neighbourhood.
- On November 3, 1989 a report was prepared by the Planning and Development Department, outlining the proposed plan for the Allison Neighbourhood and recommending that a public meeting be held. This recommendation was approved at the Planning and Development Committee meeting of November 15, 1989.
- A public meeting was held on April 25, 1990 to discuss the proposed neighbourhood plan and associated Official Plan Amendment. The following issues were discussed at the public meeting:
  - height and bulk of commercial buildings;
  - commercial uses;
  - planting strip width between commercial and residential uses;
  - proposed housing types;
  - lot sizes;
  - a proposal to allow infill lots less than 12,000 sq. ft. within the existing "B" Zoning District; and,
  - traffic movements.

For further information, the following documents are available from the Secretary of the Planning and Development Committee:

- Planning and Development report dated November 3, 1989;
- Minutes of the Public Meeting held on April 25, 1990;
- Petition from residents supporting larger lots (see Map 2)

Submissions from owners of 9 Lister Avenue and 65 Allison Crescent have not been addressed since these comment on servicing rather than the Neighbourhood Plan.

### SUBMISSION REVIEW

The following is an analysis of issues identified in submissions reviewed.

**1.0 ISSUE:** The size of lots in the established residential area.

**SUBMITTEES:** A petition was received from 163 people living on the following streets:

Aldercrest Avenue;  
Allison Crescent;  
Bartlett Avenue;  
Lister Avenue;  
Rymal Road East;  
Seneca Avenue; and,  
Springside Drive.

The following residents also submitted letters supporting the position expressed in the petition.

1.	Mr. J. Gillen	88 Aldercrest Avenue
2.	Mr. & Mrs. G. Menscy	94 " "
3.	Mr. & Mrs. K. MacDonald	98 " "
4.	Mr. & Mrs. G. Pire	60 Allison Crescent
5.	Mr. H. De Witte	65 " "
6.	Mr. A. Cross	82 " "
7.	Mr. H. Struen	85 " "
8.	Mr. & Mrs. R. McFadden	3 Bartlett Avenue
9.	Mr. & Mrs. A. Ridder	9 " "
10.	Mr. & Mrs. W. Hart	6 Lister Avenue
11.	Mr. & Mrs. Cavanaugh	9 " "



12.	Mr. M. Allison	14	"	"
13.	Mr. & Mrs. Cooke	15	"	"
14.	Mr. & Mrs. J. Spring	46	"	"
18.	Mr. & Mrs. C. Lazar	53	Seneca Avenue	
19.	Mrs. V. Waters	58	"	"
20.	Mrs. F. Mallet	64	"	"
21.	Mrs. I. Price	106	"	"
22.	Mrs. V. Clark	38	Springside Drive	
23.	Mrs. J. Quirin	127	"	"

**CONCERN:**

The petitioners listed above feel that reduction in lot sizes within the "B" Zoning District to less than 12,000 sq. ft. would not be acceptable, since it would result in:

1. Reduction in enjoyment of property;
2. Destruction of the character of the area; and,
3. Reduction in property values.

**COMMENT:**

There is widespread support for maintaining the very large lots which currently exist despite the potential for smaller lots when sewers are installed. New lots should be approximately 12,000 square feet to maintain the character of the area. This would create a unique area and enhance the choice of housing in the City of Hamilton.

**2.0 ISSUE:** The proposed opening of McClary Avenue

**SUBMITTEES:**

1. Mr. & Mrs. J. Gillen, 88 Aldercrest Avenue
14. Mr. & Mrs. J. Spring, 46 Lister Avenue

**CONCERN:**

The submittees feel that the proposed opening of McClary Avenue as a road is not necessary. (McClary Avenue is a City-owned road allowance). They suggest that the lands be used for park and playground purposes.

**COMMENTS:**

The proposed park and recreational area as shown on the neighbourhood plan will provide a parkette for the residents. To designate the McClary Avenue road allowance for Park and Recreational purpose would eliminate the potential for creation of new lots on both sides of McClary Avenue. Therefore, the layout should remain as on the proposed plan.

**3.0 ISSUE:** The proposed extension of Bartlett Avenue

**SUBMITTEES:** 8. Mr. & Mrs. R. McFadden, 3 Bartlett Avenue  
9. Mr. & Mrs. A. Ridder, 9 Bartlett Avenue

**CONCERN:**

The submittees object to the proposed extension of Bartlett Avenue. They purchased their homes recently in order to live on a dead end street and in a rural environment. They suggest that the land south of Bartlett Avenue should be developed for commercial purposes with access from Upper James Street only.

**COMMENTS:**

The commercial lot depths as proposed in the Neighbourhood Plan are consistent with the existing commercial designation along Upper James Street. Any additional lot depth for commercial use would impact on the existing residential area, especially on Aldercrest Avenue. The proposed extension of Bartlett Avenue will help to maintain the character of the existing residential area by buffering it from commercial development. Therefore, it is concluded that the proposed neighbourhood plan remain unchanged.

**4.0 ISSUE:** Lot Sizes with regards to the proposed extension of Bartlett Avenue

**SUBMITTEES:** 10. Mr. & Mrs. W. Hart, 6 Lister Avenue

**CONCERN:**

The submittee suggest that very large lots only (12,000 sq. ft. in accordance with "B" zoning) should be permitted on the proposed extension of Bartlett Avenue.

**COMMENTS:**

The proposed extension of Bartlett Avenue is within the area designated for larger lots in the proposed neighbourhood plan. Lots in the order of 50 feet wide would be appropriate for new development.

**5.0 ISSUE:** Upper Wellington Extension

**SUBMITTEES:** 14. Mr. & Mrs. J. Spring, 46 Lister Avenue

**CONCERN:**

Mr. and Mrs. J. Spring suggest that Upper Wellington Street be extended to Twenty Road, to relieve the traffic flow on Rymal Road and Upper James Street.

**COMMENTS:**

According to the Regional Engineering Department, the existing roads including the proposed extensions of Garth Street and Upper Wentworth Street will be sufficient to serve the traffic volumes anticipated in the area. In addition, such a change would not conform to the Regional Official Plan. Therefore, the proposed neighbourhood plan should not be changed.

**6.0 ISSUE:** Lots less than 12,000 square feet

**SUBMITTEE:** 15. Mr. A.L.T. Vanderhout, 74 and 82 Rymal Road East and 59 Lister Avenue



**CONCERN:**

The submittee would like to sever the three properties to create six lots and rezone them from "B" Zoning District (12,000 sq.ft.) to "B-1" Zoning District (7,500 sq.ft.).

**COMMENTS:**

This would not conform to the very large lot policy addressed earlier.

**7.0 ISSUE:** Attached Housing Location southeast corner of Rymal Road east and the proposed extension of Upper Wellington Street.

**SUBMITTEE:** 16. Mr. & Mrs. MacLennan, 148 Rymal Road East  
17. Mr. & Mrs. Bethune, 176 Rymal Road East

**CONCERN:**

The submittees object to the townhouse location as shown in the proposed plan. They suggest an alternative townhouse location in the interior of the neighbourhood, as townhouses shown on the proposed plan are not compatible with the existing single family houses along Rymal Road and the rural environment. Therefore, they would like the proposed townhouse area to be developed for single family houses.

**COMMENTS:**

The City's Official Plan states that each neighbourhood should provide a mixture of residential dwellings types. The location of the attached housing could be changed to provide a single family buffer between 176 Rymal Road and the attached housing. The neighbourhood plan has been adjusted accordingly.

**8.0 ISSUE:** Larger Lots, rear of Springside Drive

**SUBMITTEE:** 23. Mrs. J. Quarin, 127 Springside

**CONCERN:**

Mrs. J. Quarin suggests that the larger lot designation should be extended to include the rear lands all along Springside Drive.

**COMMENT:**

The Neighbourhood Plan had been adjusted accordingly.

**9.0 ISSUE:** Bus Loop

**SUBMITTEE:** 24. The Hamilton Street Railway Company

**CONCERN:**

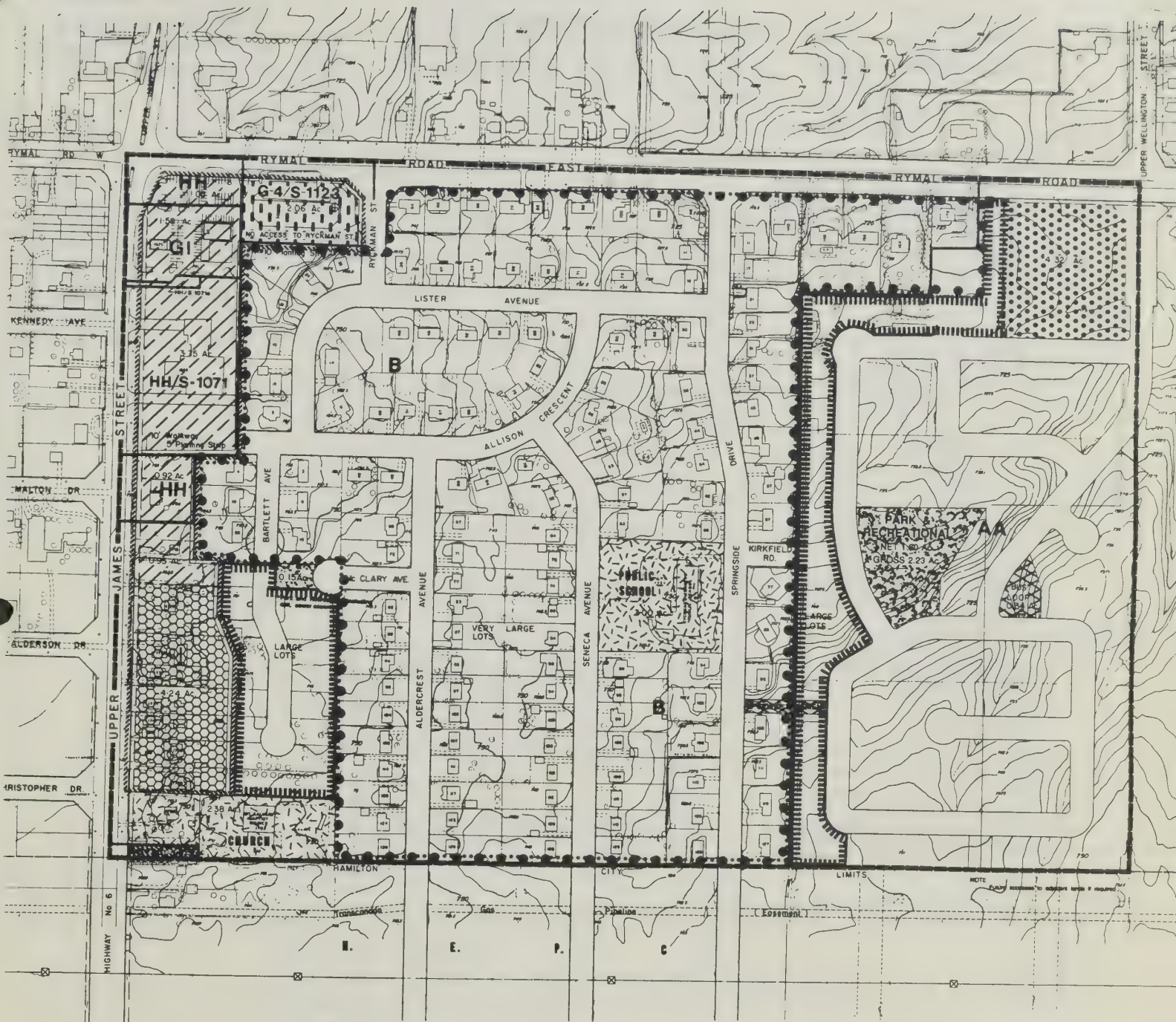
They have suggested the provision of a future bus loop location.

**COMMENTS:**

The lands for the proposed bus loop are owned by the Hamilton Street Railway Company. The Neighbourhood Plan has been adjusted accordingly.

D.G.:G.G./ns

ALLISON



City of Hamilton  
Neighbourhood Location

**LEGEND**

~~~~~ AREA SUBJECT TO URBAN DESIGN GUIDELINES

●●●●● AREA OF VERY LARGE LOTS

||||| AREA OF LARGE LOTS

**Land Use**

| Residential               | Non-Residential         |
|---------------------------|-------------------------|
| Single and Double         | Offices & Service Comm  |
| Attached Housing          | Highway Commercial      |
| Low Density Apartments    | Civic and Institutional |
| Medium Density Apartments | Park and Recreational   |
| High Density Apartments   | Open Space              |
| Neighbourhood Commercial  | Utilities               |

Notes: This is a guide plan only and is subject to change. For details contact the Local Planning Division  
Regional Municipality of Hamilton-Wentworth

— Neighbourhood Boundary

— Zoning Boundary

— Site Plan Control Boundary

Latest Map Amendment AUG 31, 1988

Approvals:  
Planning Comm.  
Council

**ALLISON  
PROPOSED PLAN**

Prepared for the City of Hamilton by the Planning and Development Department  
Regional Municipality of Hamilton-Wentworth

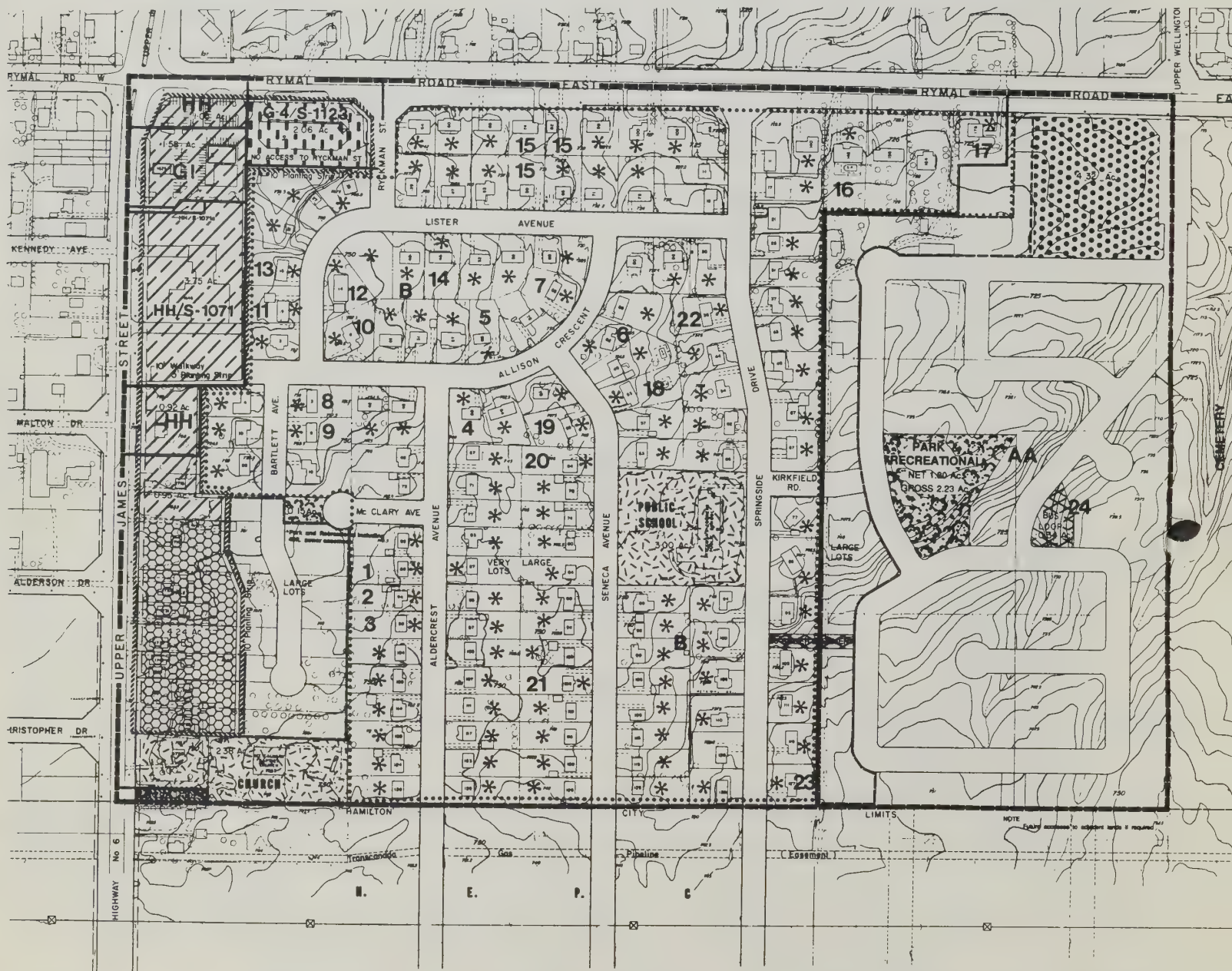
1988 POPULATION 444

MAP - 1



# LOCATION OF SUBMITTEES

- |                                        |                                     |                                   |
|----------------------------------------|-------------------------------------|-----------------------------------|
| 1. Mr. Gillen, 88 Aldercrest           | 9. Mr. & Mrs. Ridder, 9 Bartlett    | 17. Mr. & Mrs. Bethune, 176 Rymal |
| 2. Mr. & Mrs. Mensch, 94 Aldercrest    | 10. Mr. & Mrs. Hart, 6 Lister       | 18. Mr. & Mrs. Lazar, 53 Seneca   |
| 3. Mr. & Mrs. MacDonald, 98 Aldercrest | 11. Mr. & Mrs. Cavanaugh, 9 Lister  | 19. Mrs. Waters, 58 Seneca        |
| 4. Mr. & Mrs. Pirie, 60 Allison        | 12. Mr. Allison, 14 Lister          | 20. Mrs. Mallet, 64 Seneca        |
| 5. Mr. De Witte, 65 Allison            | 13. Mr. & Mrs. Cooke, 15 Lister     | 21. Mrs. Price, 106 Seneca        |
| 6. Mr. Cross, 82 Allison               | 14. Mr. & Mrs. Spring, 46 Lister    | 22. Mrs. Clark, 38 Springside     |
| 7. Mr. Streun, 85 Allison              | 15. Mr. Vanderhout, 74 Rymal        | 23. Mrs. Quarin, 127 Springside   |
| 8. Mr. & Mrs. McFadden, 3 Bartlett     | 16. Mr. & Mrs. MacLennan, 148 Rymal | 24. Hamilton Street Railway       |



City of Hamilton  
Neighbourhood Location

## LEGEND

- AREA SUBJECT TO URBAN DESIGN GUIDELINES
- AREA OF VERY LARGE LOTS
- AREA OF LARGE LOTS

- \* Location of petitioners
- 1 Location of submitters

1988 POPULATION 444

## Land Use

### Residential

- Single and Double
- Attached Housing
- Low Density Apartments
- Medium Density Apartments
- High Density Apartments
- Neighbourhood Commercial

### Non-Residential

- Offices & Service Comm
- Highway Commercial
- Civic and Institutional
- Park and Recreational
- Open Space
- Utilities

Note: This is a guide plan only and is subject to change. For details contact the Local Planning Division of the Regional Municipality of Hamilton-Wentworth.

- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary
- Latest Map Amendment A-5, 3, 1988

Approvals:  
Planning Comm.  
Council

## ALLISON PROPOSED PLAN

Prepared for the City of Hamilton by the Planning and Development Department  
Regional Municipality of Hamilton-Wentworth

MAP - 2

July 3, 1991

## ALLISON NEIGHBOURHOOD PLAN

### PROPOSED POLICIES

#### I. INTRODUCTION

The Allison Neighbourhood Plan has been developed to help ensure the orderly development of the neighbourhood. It defines the type and location of the various land uses which are to be encouraged, as well as a description of the manner in which these are to be developed.

The Plan consists of the following two parts:

- A map of the Land Use Concept, attached as Appendix "A"; and,
- A set of written policies, found under Section 3.

#### 2. BACKGROUND

The availability of sewer services enables Allison Neighbourhood to be developed.

The policies in the Plan have been based on the existing planning policies for the area.

- The land use designations and policies in the City of Hamilton Official Plan, which designate areas in the Neighbourhood for residential, commercial and major institutional uses; and,
- (Special Policy Area 31), which recognizes Upper James Street as a highway oriented commercial area.

The neighbourhood planning process includes several steps to ensure opportunity for review and revision of draft policies; including:

- collection and compilation of background information, on all aspects related to planning of the Neighbourhood;
- preparation of draft land use concepts which are circulated to various agencies for comments;
- holding of a public meeting to discuss the details of the proposed land use concept with area residents and owners; and,
- revision and adoption of the final plan by Committee and Council.



### 3. NEIGHBOURHOOD PLAN

#### A. Goals

There are three major goals which the Allison Neighbourhood Plan attempts to achieve, namely:

- neighbourhood self-sufficiency;
- efficient and attractive design; and,
- a viable commercial area on Upper James Street which serves a wider area than the neighbourhood.

#### B. Policies

The following sections contain the planning policies, which are grouped by Land Use types.

##### I. Residential

- The predominant form of land use in the Allison Neighbourhood will be low density residential and related uses.
- Residential development will include:
  - Very large lots in the established housing area with lot sizes of about 12,000 square feet and above;
  - Larger lots, abutting areas of very large lots with lot sizes of about 5,000 square feet and above;
  - Single and double housing in the majority of the undeveloped area with lot sizes of about 4,000 square feet and above; and,
  - Attached housing at the corner of Rymal Road and Upper Wellington.
- Residential development will be encouraged which:
  - is compatible with the height and density of adjacent development;
  - is innovative in design, e.g., energy-efficient; and,
  - includes a variety of housing sizes, densities, types and costs.

Home occupations will be permitted within residential areas, as long as these are compatible with residential uses.



## 2. Commercial

- A variety of commercial uses will be encouraged along Upper James Street and Rymal Road up to the corner of Ryckmans Street, in a planned fashion, to effectively serve the needs of local residents and others, including:
  - highway commercial uses, e.g. gas stations, car dealerships, restaurants which will be permitted along the north part of Upper James Street; and
  - office and service commercial uses, e.g. banks, hairdressing, drycleaning, shoe repair which will be permitted along the south part of Upper James Street;
  - neighbourhood commercial uses will be permitted on Rymal Road between Upper James and Ryckmans Streets. Such commercial uses should not include high traffic generators such as restaurants.
  - Existing commercial uses.
- Vehicular access onto Ryckmans Street, is prohibited from the neighbourhood commercial development at the corner of Rymal Road and Ryckmans Street.

## 3. Civic and Institutional Uses

The Public School (Ryckmans Corners Junior School) and church (Mount Calvary Baptist Church) will be retained to serve the community.

Other civic and institutional services e.g. library, police, fire will be provided outside the neighbourhood.

## 4. Parks, Recreation and Open Space

- A parkette is planned from the proposed extension of Bartlett Avenue to McClary Avenue.
- A Neighbourhood Park will be located east of Springside Drive.
- Other recreational services will be provided outside the neighbourhood.

## 5. Transportation

- New and extended local roads will be provided in Allison to enable the efficient development of the area while discouraging through traffic.
- Pedestrian facilities such as sidewalks/walkways will be provided to access schools, bus routes, parks and commercial areas, etc.

## 6. Urban Design and Landscaping

- The south part of Upper James Street (primarily designated 'Office and Service Commercial') will retain its treed character. Landscaping will predominate in front of the buildings (either existing or new) and the bulk of parking will be at the rear.
- Existing vegetation will be retained wherever possible, including borders of mature trees, in the interior of the neighbourhood and along arterial roads.
- New trees and other landscaping will be added where possible, such as along arterial roads and on private property. Upper James Street landscaping requirements will be implemented to provide a landscaped strip to the front and the rear of commercial developments in this section.
- Use of new landscaping to maximize the use of passive solar energy for heating buildings will be promoted.
- Heritage buildings with historical and/or architectural significance will be preserved where possible.

## 7. Infrastructure

- Full municipal services, including storm and sanitary sewers and adequate water supply will be provided for residents of the neighbourhood.
- New developments will be permitted only in areas to which municipal services have been extended.

## 8. Plan Implementation

- This plan, when adopted by City Council, will form the framework for the future development of the neighbourhood.
- The plan is intended to be flexible enough to allow for changes which reflect the general goals of the Plan.
- Neighbourhood Plan Amendments will be required only when there are significant changes in the neighbourhood.
- Any significant changes will require input from the citizens affected, and will be approved by City Council.
- Development will be controlled through the zoning by-law and subdivision of land.
- Commercial development and attached housing residential development will be subject to site plan control.

## CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1991 August 15  
ZA-91-26  
Allison Neighbourhood

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for an Official Plan Amendment and a further modification in zoning - No. 30 Rymal Road East.

**RECOMMENDATION:**

That Zoning Application 91-26, Rymal Square, owner, requesting an Official Plan Amendment to delete Special Policy Area 46 and a further modification to the established "G-4" (Designed Neighbourhood Shopping Area) District regulations, to permit a submarine shop having a gross floor area of 278.7 m<sup>2</sup> (3,000 sq.ft.) and a donut shop having a gross floor area of 120.8 m<sup>2</sup> (1,300 sq.ft.) within the existing plaza, located at No. 30 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) It conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan which prohibit high traffic generating type uses (i.e. restaurants, place of assembly, etc.);



- ii) It conflicts with established policy of Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy; and,
- iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

  
 per J. D. Thoms, M.C.I.P.  
 Commissioner  
 Planning and Development Department

  
 A. L. Georgieff, M.C.I.P.  
 Director of Local Planning

#### **FINANCIAL IMPLICATIONS:**

N/A

#### **BACKGROUND:**

- Current Proposal

The applicant wishes to establish two restaurants within the existing plaza: a submarine shop having a gross floor area of 278.7 m<sup>2</sup> (3,000 sq.ft.) and a donut shop having a gross floor area of 120.8 m<sup>2</sup> (1,300 sq.ft.). The applicants' have indicated that there will be 80 seats for the donut shop and 25 seats for the submarine shop. Eighteen (18) parking spaces will be provided for the restaurant uses and 45 parking spaces for the remainder of the plaza.

- Official Plan Amendment No. 76

On May 9, 1989, City Council passed By-law No. 89-162 to adopt Official Plan Amendment No. 76 which redesignated the subject lands from "RESIDENTIAL" to "COMMERCIAL", and established Special Policy Area 46. The effect of the Special Policy Area is to prohibit high traffic generating type uses (i.e. restaurants), and to prohibit vehicular access to and from Ryckman Street. In addition, landscaping and buffering are required to be provided to mitigate effects on adjacent residential uses.

- By-law No. 89-246

On August 29, 1989, City Council passed By-law No. 89-246 which rezoned the subject lands from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified. The effect of the By-law was to permit development of the subject land for a neighbourhood shopping plaza. In addition, the By-law provided for the following variances as special requirements:

- a) to prohibit a restaurant or refreshment room without any dancing or other entertainment except music;
- b) to provide a minimum 3.0 m wide planting strip along the southerly and easterly property lines;
- c) to provide a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the boundary of the southerly property line;
- d) to provide a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height within the required 3.0 m wide planting strip along the easterly property line; and,
- e) to prohibit vehicular access to and from Ryckman Street.

- Development Application

At its meeting held on December 18, 1989, the Planning and Development Committee considered and approved Site Plan Control Application DA-89-79 to permit a 1 storey, 1,619 m<sup>2</sup> shopping plaza development on the site, which has a lot area of 0.60 ha. (1.49 ac.), and which provides for a total of 82 parking spaces.

- ZA 90-56

The applicants' requested an amendment to the provisions of By-law No. 89-246 and Official Plan Amendment No. 76 to permit a maximum of three (3) restaurants within the shopping plaza.

At its meeting of October 3, 1990, the Planning and Development Committee denied the application for the restaurant uses. The application was denied by City Council on October 9, 1990.

- Zoning Application 86-29

At its meeting held on May 28, 1986, the Planning and Development Committee denied Zoning Application 86-29 for an Official Plan Amendment and a change in zoning from "B" (Suburban Agriculture) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a 2 storey building containing 1,840 m<sup>2</sup> (19,806 sq.ft.) of ground floor commercial space, and 16 second storey apartment units. On June 24, 1986 City Council adopted the recommendation of the Planning and Development Committee to deny the application.

- Zoning Application 84-80

At its meeting held on January 30, 1985, the Planning and Development Committee denied Zoning Application 84-80 for an Official Plan Amendment and a change in zoning from "B" (Suburban Agriculture) District to "HH" (Restricted Community Shopping and Commercial) District for a commercial shopping plaza on the subject lands. On February 26, 1985, City Council adopted the recommendation of the Planning and Development Committee to deny the application.

#### APPLICANT:

Rymal Square, owner.

#### LOT SIZE AND AREA:

- 88.142 m (289.18 ft.) of lot frontage on Rymal Road East;
- 59.5 m (195.21 ft.) of lot depth;
- 6,045.75 m<sup>2</sup> (65,078 sq.ft.) of lot area.

#### LAND USE AND ZONING:

|                      | <u>Existing Land Use</u> | <u>Existing Zoning</u>                                         |
|----------------------|--------------------------|----------------------------------------------------------------|
| <u>Subject Lands</u> | Shopping plaza           | "G-4" (Designed Neighbourhood Shopping Area) District modified |



### Surrounding Lands

|                          |                                                     |                                                                                   |
|--------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------|
| to the north             | automotive repair shop<br>and automotive dealership | "HH" (Restricted Community<br>Shopping and Commercial, etc.)<br>District modified |
| to the south<br>and east | single-family dwellings                             | "B" (Suburban Agriculture and<br>Residential, etc.) District                      |
| to the west              | McDonald's Restaurant<br>and a gas bar              | "HH" (Restricted Community<br>Shopping and Commercial, etc.)<br>District          |
|                          |                                                     | "G-1" (Designed Shopping Centre)<br>District                                      |

### **OFFICIAL PLAN:**

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan, and located within Special Policy Area 46 on Schedule B - Special Policy Areas. The following policies, among others, would apply:

- "A.2.2.1      The primary uses permitted in areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.9.3.41    Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" - Special Policy Areas, as SPECIAL POLICY AREA 46, and located at the south-west corner of Rymal Road East and Ryckman Street, high traffic generating uses, such as, restaurants, will be prohibited. Further, vehicular access onto Ryckman Street from the affected lands will be prohibited. (O.P.A. 76)."

The proposal does not comply with the Official Plan. If the application is approved, an Amendment to the Official Plan would be required. The Amendment would delete Special Policy Area 46, in its entirety, as the establishment of a restaurant use would render policy A.2.9.3.41 obsolete. The issue of access onto Ryckman Street can be dealt with through the zoning and/or site plan approval processes.

## NEIGHBOURHOOD PLAN:

The subject lands are designated "NEIGHBOURHOOD COMMERCIAL" on the proposed Allison Neighbourhood Plan with a site specific notation to prohibit high traffic generating uses such as restaurants. The proposal does not comply with the intent of the proposed plan.

## RESULTS OF CIRCULARIZATION:

- The following Department and Agency have no comments or objections:

- Building Department; and,
- Hamilton Region Conservation Authority.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

We have discussed this matter with staff of the City of Hamilton Traffic Department and submit the comments:

- All previous details of site development were done under Site Plan Control Application DA-89-79. The previous site plan was reviewed under the premise that restaurants would not be a permitted use. For this reason, roadway improvements at that time were limited to City Traffic restriping a short section of Rymal Road only allowing one left turn vehicle to store in the westbound median.
- As previously noted, the introduction of restaurant uses etc. to this property will likely increase congestion and delay through traffic on Rymal Road. Preliminary traffic studies by the City of Hamilton Traffic Department indicate that the left turn traffic into this site could likely be accommodated within the existing pavement construction. However, it is noted that there are basically no available gaps in westbound through traffic on Rymal Road for vehicles turning left out of this plaza in the peak hour. As a result, significant delays for vehicles turning left onto Rymal Road from the subject lands could be expected.

- We have reviewed this application on the basis that a maximum of 4,300 square feet of restaurant use will be permitted. However, we recommend that the Zoning By-law be held in abeyance on the condition that the applicant submit a site plan to the satisfaction of the Director of Traffic Services as outlined in their letter dated April 16, 1991. The implementing Zoning By-law could then be written to restrict the total G.F.A. and the number of seats that all restaurants will be allowed on this site. This would then ensure that our concerns with respect to parking and traffic generation have been addressed."
- The Traffic Department has advised that:  
  
"We have no objection to the change in zoning on the condition that a site plan be submitted of the interior layouts of the restaurants showing the G.F.A.'s and the number of proposed seats. We can then satisfy ourselves that sufficient parking is being provided to serve both the patrons and commercial uses. The implementing by-law, which should be held pending this analysis, should be written to restrict the total G.F.A. and the number of seats that all restaurants will be allowed."

#### COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. In this regard, approval of the application would involve deletion of Special Policy Area 46 in its entirety, as the establishment of a restaurant use would render policy A.2.9.3.41 obsolete.
2. The proposal conflicts with the proposed Allison Neighbourhood Plan which designates the site for "NEIGHBOURHOOD COMMERCIAL" use, and establishes a site specific notation on the plan to prohibit high traffic generators such as restaurants. Approval of the application would require the deletion of the site specific notation regarding high traffic generating type uses.
3. The proposal cannot be supported for the following reasons:
  - it conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan which prohibit high traffic generating type uses (i.e. restaurants, place of assembly, etc.);
  - it should be noted that in 1989, the subject lands were zoned "B" (Suburban Agriculture) District, which did not permit commercial uses at all. Accordingly,



the enactment of By-law No. 89-246 permitted the use of the site for commercial purposes, excluding restaurants. The intent of this rezoning was to permit 'neighbourhood' type uses (i.e. drug store, variety store, dry cleaner depot, etc.) to serve the needs of the area residents;

- it conflicts with established policy of Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy; and,
- approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

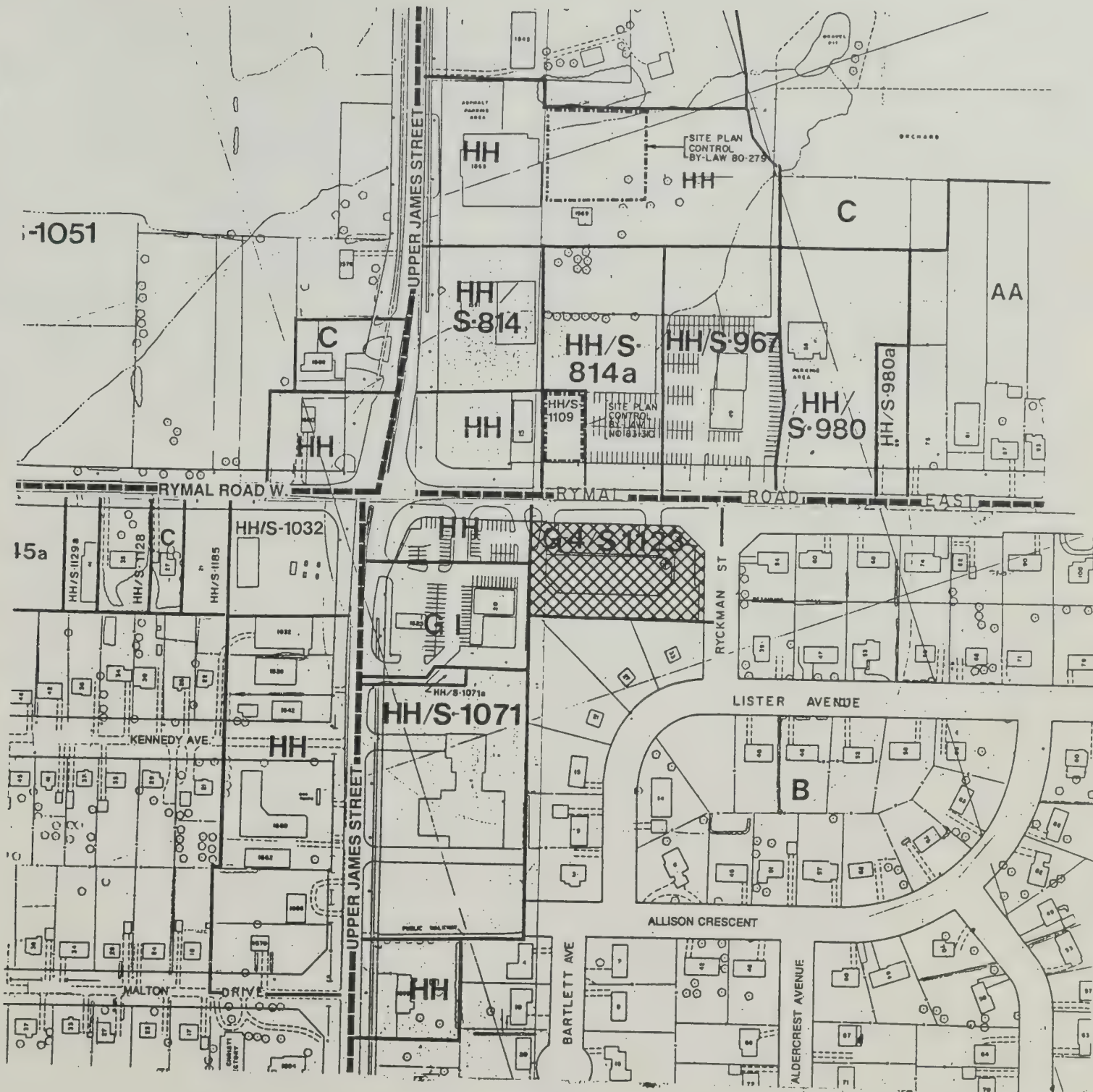
#### CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

JHE/ma

Attach.

WPZA9126



# Legend



Site of the Application







Wednesday, 1991 August 21  
9:30 o'clock a.m.  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice-Chairman  
Mayor Robert M. Morrow  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman D. Wilson  
Alderman V. Formosi  
Alderman H. Merling

Regrets: Alderman D. Ross (City Business)

Also present: Alderman D. Agostino  
Alderman J. Gallagher  
Mr. A. Georgieff, Director of Local Planning  
Mr. M. Watson, Manager of Real Estate Division, Property  
Department  
Mr. R. Karl, Traffic Department  
Mrs. N. Chapple, Planning Department  
Mr. L. Farr, Law Department  
Mr. D. Godley, Planning Department  
Ms. J. McNeilly, Community Renewal Division, Public Works  
Department  
Mr. K. Brenner, Regional Engineering Department  
Mr. B. Janssen, Planning Department  
Mr. R. Chrystian, Manager, Parks Division, Public Works  
Department  
Mr. P. Mallard, Planning Department  
Ms. C. Coutts, Secretary

#### CONSENT AGENDA

##### A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee for its meeting held 1991 July 24 and these minutes were approved as circulated.

#### BUILDING COMMISSIONER - CITY OF HAMILTON HERITAGE PROGRAM

##### B. 112 Aberdeen Avenue

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 112 Aberdeen Avenue. The Committee approved the following recommendation:

- (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, three hundred and thirty-eight dollars (\$2,338.) be approved for Keltie Law, 112 Aberdeen Avenue, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
- (b) That a Designated Property Grant in the amount of two thousand, three hundred and thirty-eight dollars (\$2,338.) be provided to Keltie Law, 112 Aberdeen Avenue, Hamilton.

**C. 219 Ferguson Avenue South**

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 219 Ferguson Avenue South. The Committee approved the following recommendation:

- (a) That a repayable loan under the Community Heritage Trust Fund in the amount of four hundred and twelve dollars (\$412.) be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
- (b) That a Designated Property Grant in the amount of four hundred and twelve dollars (\$412.) be provided to Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.

**D. 221 Ferguson Avenue South**

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 221 Ferguson Avenue South. The Committee approved the following recommendation:

- (a) That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and fifty dollars (\$350.) be approved for Ilze Dreimanus, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
- (b) That a Designated Property Grant in the amount of three hundred and fifty dollars (\$350.) be provided to Ilze Dreimanus, 221 Ferguson Avenue South, Hamilton.

**E. 223 Ferguson Avenue South**

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 223 Ferguson Avenue South. The Committee approved the following recommendation:

- (a) That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and thirty-seven dollars (\$337.) be approved for Ms. P. L. Preston, 223 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
- (b) That a Designated Property Grant in the amount of three hundred and thirty-seven dollars (\$337.) be provided to Ms. P. L. Preston, 223 Ferguson Avenue South, Hamilton.

**F. 225 Ferguson Avenue South**

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 225 Ferguson Avenue South. The Committee approved the following recommendation:

- (a) That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and thirty-seven dollars (\$337.) be approved for Mr. Hugh Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
- (b) That a Designated Property Grant in the amount of three hundred and thirty-seven dollars (\$337.) be provided to Mr. Hugh Caughey, 225 Ferguson Avenue South, Hamilton.

**G. 227 Ferguson Avenue South**

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 227 Ferguson Avenue South. The Committee approved the following recommendation:

- (a) That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and fifty dollars (\$350.) be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
- (b) That a Designated Property Grant in the amount of three hundred and fifty dollars (\$350.) be provided to Elaine Elson, 227 Ferguson Avenue South, Hamilton.

**H. 33 Undermount Avenue**

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 33 Undermount Avenue. The Committee approved the following recommendation:

That a Designated Property Grant in the amount of seven hundred and thirty-three dollars (\$733.) be provided to Alan Stacy, 33 Undermount Avenue, Hamilton.

**I.-L. BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS**

The Committee was in receipt of reports from the Building Commissioner, respecting Demolition Permit Applications for 185 Nash Road South, 644 Eaglewood Drive, 1188 Rymal Road East and 99 Dundurn Street North. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for the following properties:

- (a) 185 Nash Road South
- (b) 644 Eaglewood Drive
- (c) 1188 Rymal Road East
- (d) 99 Dundurn Street North

**M. DIRECTOR OF PUBLIC WORKS**

**Jamesville B.I.A. Interim Board of Management.**

The Committee was in receipt of a report dated 1991 August 13, from the Director of Public Works, respecting the above-noted matter and approved the following:



- (a) That By-law Number 86-74, amended by By-law Number 87-147 appointing the Jamesville B.I.A. Board of Management be amended to delete the following names:

|                |                                     |
|----------------|-------------------------------------|
| D. Robbins     | Robbinex Capital Corporation        |
| S. Leon        | Irving's Famous Clothes Limited     |
| P. Viana       | Acadia Travel Services Inc.         |
| L. Bornstein   | Gordon & Son Furs Ltd.              |
| M. Giammichele | Mario Custom Tailor                 |
| M. Morgenstern | Nandor-Morgenstern Enterprises Ltd. |
| H. Organ       | Kohler's Rexall Drug Store          |
| G. Ricca       | Ricca's Furniture Ltd.              |
| J. Sherman     | Jerry's Man's Shop                  |
| K. Sherman     | Anshel's                            |
| B. Miller      | Miller's Shoe Store                 |

and add the following:

|               |                      |
|---------------|----------------------|
| P. Jovanovich | Copper John's Tavern |
| U. Wood       | Bank of Montreal     |
| G. Ricca      | Ricca's Furniture    |
| D. Lengyell   | Biway                |

- (b) That the City Solicitor be authorized and directed to amend By-law Number 86-74, amended by By-law No. 87-147 pursuant to (a) above.

#### **REGULAR AGENDA**

#### **2. PUBLIC MEETING - RENTAL HOUSING PROTECTION ACT APPLICATION**

The Committee was in receipt of a report dated 1991 August 14, from the Commissioner of Planning and Development, respecting an application under the Ontario Rental Housing Protection Act to sever a lot containing 5 rental units at 15, 17 and 19 Strachan Street East and 337 and 339 Hughson Street North in the North End East Neighbourhood.

Hearing no objections from the Public attending the meeting, the Committee approved the following recommendation:

That approval be given to Rental Housing Protection Act Application SE-91-001, Barry Szajman, owner, for severing one property with five rental units into two properties containing 3 and 2 rental units at 15, 17 and 19 Strachan Street East; and, 337 and 339 Hughson Street North on the grounds that it does not adversely affect the supply of affordable rental housing in the Municipality and therefore, meets the conditions for approval under the Rental Housing Protection Act.

#### **COMMISSIONER OF PLANNING AND DEVELOPMENT**

#### **3. Proposed Plan - Hamilton Beach Neighbourhood**

Given that Mr. Ben Vanderbrug, General Manager, Hamilton Region Conservation Authority and Mr. Reg Wheeler, Chairman, Beach Neighbourhood Plan Committee requested an opportunity to address this matter, the Committee agreed to table this matter until 10:00 o'clock a.m., at which time both parties would be in attendance.

4. Comments on the Proposed Amendment No. 53 to the Hamilton-Wentworth Official Plan.

The Committee was in receipt of a report dated 1991 August 13, from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee approved the following recommendation:

- (a) That the comments contained in the report reviewing proposed Amendment Number 53 to the Hamilton-Wentworth Official Plan, attached to the report and marked Appendix "A", be endorsed; and,
- (b) That Regional Council be so advised of City Council's endorsement.

DIRECTOR OF PROPERTY

5. Authorization to allow the Transfer of Title from Samuel, Peter and Morris Mercanti, Moore and Davis Enterprises Inc. and Arthur Glenn Bryant to Carmen's Square Limited - Anchor Plan, Parts 3 and 4, Plan 62R-5200.

The Committee was in receipt of a report dated 1991 August 13 from the Director of Property, respecting the above-noted matter.

The Committee approved the following recommendation:

That Item 14 of the Fourth Report of the Planning and Development Committee as approved by City Council on 1990 February 13, be amended, as follows:

- (a) That approval be granted to allow the transfer of title in the City's deed 9495 from Samuel, Peter and Morris Mercanti, Moore & Davis Enterprises Inc. and Arthur Glenn Bryant each as to a 20% undivided interest, as tenants in common to "Carmen's Square Limited".
- (b) That the Purchasers' solicitor must prepare all necessary agreements and deed subject to the approval of the City Solicitor.
- (c) That any costs incurred by the City in this regard will be borne by the Purchaser.

BUILDING COMMISSIONER

6. Demolition of 74 Charlton Avenue East.

The Committee was in receipt of a report dated 1991 August 12 from the Building Commissioner, respecting the above-noted matter.

The Committee approved the following recommendation:

That the application for demolition of 74 Charlton Avenue East be referred to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) for consultation.

**DIRECTOR OF PUBLIC WORKS****7. Phase IV of the Downtown Action Plan - Implementation of Sanitation Recommendation - Public Service Announcement.**

The Committee was in receipt of a report dated 1991 August 13 from the Director of Public Works, respecting the above-noted matter.

The Committee approved the following recommendation:

- (a) That the Community Renewal Section of the Public Works Department proceed with the development of a third annual "Keep Hamilton Clean Public Service Announcement Competition" at a total estimated cost of three thousand dollars (\$3,000.) in co-ordination with the Broadcasting Department at Mohawk College, C.H.C.H. - T.V., the Keep Hamilton Clean Committee and the Downtown Action Plan Coordinating Committee (D.A.P.C.O.M.) to promote the objectives of Phase IV of the Downtown Action Plan, Sanitation Study.
- (b) That this expenditure be financed from Account Number CF 5698 42880 3006, Phase IV of the Downtown Action Plan, to which sufficient funds are available.

**8. Central/Beasley P.R.I.D.E. Housing Intensification Programme (H.INT.) - Authorization to Sign Provincial/Municipal Agreement and Hold a Public Meeting.**

The Committee was in receipt of a report dated 1991 August 13, from the Director of Public Works, respecting the above-noted matter.

The Committee approved the following recommendation:

- (a) That the Community Renewal Section of the Public Work Department be authorized to hold a public meeting to receive public input and establish a Citizen Advisory Committee for the purpose of implementing the Ministry of Municipal Affairs' P.R.I.D.E. Housing Intensification Programme in the Central/Beasley Neighbourhood; and,
- (b) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Agreement required to implement the Central/Beasley P.R.I.D.E. H.INT. Programme.

**REFERRAL FROM CITY COUNCIL****9. Jamesville Business Improvement Area Petition - Refusal to pay B.I.A. Levies.**

The Committee was in receipt of a report dated 1991 August 15, from the Director of Public Works, respecting the Jamesville Business Improvement Area Petition that was submitted to City Council on 1991 July 30, wherein the Business People of James Street North refused to pay any B.I.A. Levy and that the merchants do not want any of the B.I.A. People coming into their businesses.

The Committee was also in receipt of a letter dated 1991 July 30, from the City Clerk to the Business People of James Street North, informing them that City Council at its meeting held 1991 July 30, received their petition and referred the same to the Planning and Development Committee for its consideration and appropriate action.

The Committee approved the following recommendation:

That the petition from the Business People of James Street North dated 1991 July 24, submitted to City Council on 1991 July 30, be received.



**FINANCE AND ADMINISTRATION COMMITTEE****10. Residential Identification - Residence Numbers placed on Telephone/Hydro Poles.**

The Secretary informed the Committee that a representative from Hamilton Hydro Electric System has been invited to appear before the Committee to address this matter. The Committee agreed to table this item to the end of the meeting at which time the aforementioned representative would be present.

**BUSINESS LAND USE ADVISORY BOARD****11. Comments on the "M" District Study.**

The Committee was in receipt of a report dated 1991 July 30, from the Chairman of the Business Land Use Advisory Board, with respect to the above-noted matter.

Alderman Lombardo expressed disappointment with respect to Community response to the "M" District Study.

After considerable discussion the Committee approved the following recommendation:

That the Planning and Development Committee:

- (a) be advised that the Business Land Use Advisory Board supports in principle the recommendations of the "M" District Study; and,
- (b) request staff to consider the comments of the Business Land Use Advisory Board in the finalization of the "M" District Study.

The Committee then moved for adjournment until 10:00 o'clock a.m., at which time the Committee would meet with representatives of the Hamilton Region Conservation Authority with respect to the Hamilton Beach Neighbourhood Plan and subsequently the Zoning Applications.

Upon announcing adjournment of the Committee, Reverent Burrige and representatives of the Jamesville Business Improvement Area, expressed concern that their petition was merely received by that the Committee and that no action will be taken. After much disorder, the Chairman advised the Committee that the meeting was adjourned until 10:00 o'clock a.m.

At 10:00 o'clock a.m., the Chairman called the meeting to order to meet with representatives of the Hamilton Region Conservation Authority, however, representatives of the Jamesville Business Improvement Area were still present and demanded action with respect to the petition submitted to City Council. Alderman Lombardo informed the residents present that this Item has already been dealt with by the Committee. The representatives of the Jamesville Business Improvement Area were not satisfied with this response and refused to leave the meeting room until this matter had been properly dealt with. The Committee once again agreed to adjourn the meeting until order was resumed.

The meeting reconvened at 10:15 p.m.

**COMMISSIONER OF PLANNING AND DEVELOPMENT****3. Proposed Plan - Hamilton Beach Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 12 from the Commissioner of Planning and Development, respecting the Proposed Plan for the Hamilton Beach Neighbourhood.

Mr. David Godley, Planning Department, made a presentation with respect to the Hamilton Beach Neighbourhood Plan and Official Plan Amendment and informed the Committee that a Public Meeting has been scheduled for 1991 September 30, and following the Public Meeting the Department will prepare a report for presentation to the Planning and Development Committee at that time.

Mr. Ben Vanderbrug, General Manager, Hamilton Region Conservation Authority, appeared before the Committee to express his concerns that the plans to be shown at the Public Meeting are not the same plans that were approved by the City, Province and Conservation Authority.

Mr. Reg Wheeler, Chairman of the Beach Neighbourhood Plan Committee, also appeared before the Committee and agreed that a Public Meeting would be in the best interest of all parties involved.

Alderman Lombardo agreed that discussion on this matter would be premature and that all comments made by outside groups could be made at the Public Meeting.

After some discussion the Committee approved the following recommendation:

That the Planning and Development Committee authorize a Public Meeting to discuss the proposed Hamilton Beach Neighbourhood Plan and Official Plan Amendment.

**ZONING APPLICATIONS****12. Zoning Application 91-01, G. Filice (In Trust), owner, for a change in zoning from "AA" to "C" for land municipally known as 987 Upper Paradise Road; Falkirk East Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 7, from the Commissioner of Planning and Development, respecting the above-noted matter.

Hearing no objections or comments from the Public with respect to this Zoning Application, the Committee approved the following recommendation:

That approval be given to Zoning Application 91-01, Gino Filice, in trust, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for single-family dwellings, for property located at 987 Upper Paradise Road, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-27D and W-27E for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

13. Zoning Application 90-88, 775751 Ontario Inc. (J. Paisley), prospective owner, for changes in zoning from "AA" and "C" to "HH" for lands municipally known as 1425 and 1429 Upper James Street; Ryckman's Neighbourhood.

The Committee was in receipt of a report dated 1991 August 2, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Hearing no objections or comments from the Public with respect to this Zoning Application, the Committee approved the following recommendation:

That approval be given to amended Zoning Application 90-88, 775751 Ontario Inc. (John Paisley), prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "2" to permit development of Blocks "1" and "2" for a commercial plaza with the adjoining lands to the south and east, for property located at 1425 and 1429 Upper James Street, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to Blocks "1" and "2", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of Blocks "1" and "2" until a site plan is approved incorporating these lands with the lands to the south and east.

Removal of the holding restriction shall be conditional upon the approval of a site plan incorporating Blocks "1" and "2" with the adjoining lands to the south and east.

- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District;
- (c) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District;
- (d) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
- (i) That notwithstanding Section 14A(3)(a) of By-law No. 6593, a front yard of not less than 24.0 m shall be provided and maintained;
- (ii) That a landscaped area of not less than 3.0 m in width, excluding vehicular access, shall be provided and maintained adjacent to the Upper James Street road allowance;
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1242, and the subject lands on Zoning District Maps E-9C and E-9D be notated S-1242;



- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9C and E-9D for presentation to City Council; and,
- (g) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

14. Zoning Application 91-32, M. O. Velenosi, owner, for a change in zoning from "B" to "C" for property at 82 Christie Street; Kennedy East Neighbourhood.

The Committee was in receipt of a report dated 1991 August 13, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Report of the circularization was given by Mr. Paul Mallard and the Committee was informed that 52 notices were mailed out, 7 were received in favour and 4 were received in opposition.

Ms. Mary Velenosi, addressed the Committee with respect her Zoning Application and requested consideration of approval for the Application.

Mr. Antonio DePasquale, 79 Alderman Drive, expressed his concern that the creation of small lots and additional housing on each of the corner lots in the sub-division will create a townhouse affect, and was concerned that the value of his property would be decreased. Mr. DePasquale submitted a letter to the Secretary outlining all of his concerns and the Secretary read the same to all Committee members.

After considerable discussion, the Committee and the owner agreed that the recommendation should be amended to include that the subject parcel of land to be built on should be changed to "C" zoning to create one additional lot and that the remaining parcel of land remain "B" zoning. The Committee approved the following as amended:

That approval be given to Zoning Application 91-32, Mary O. Velenosi, owner, for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for Block "1", and for a modification to the "B" (Suburban Agricultural and Residential, etc.) District regulations for Block "2", to permit the creation of one single-family dwelling lot, for property located at 82 Christie Street, shown as Blocks "1" and "2" on the attached map marked as Appendix "D", on the following basis:

- (a) That Block "1" be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the "B" (Suburban Agricultural and Residential, etc.) District regulations, as contained in Section 8 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special provisions:
  - (i) That notwithstanding Section 8(3)(i), a front yard depth of at least 9.5m (31.17 feet) shall be provided and maintained on Christie Street; and,
  - (ii) That notwithstanding Section 8(4), a lot area of at least 1,055 square metres (11,356.3 square feet) shall be required.

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1243, and that Block "2" on Zoning District Map W-9E be notated S-1243;
  - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,
  - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
15. Zoning Application 90-96, Rymal Square Developments Inc., owner, for a change in zoning from "C" to "RT-20" for land in the area north of Rymal Road East and east of the Hydro right-of-way; Butler Neighbourhood.

The Committee was in receipt of a report dated 1991 July 31, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Andy Robertson appeared before the Committee and submitted to the Secretary a copy of a letter dated 1991 August 16, from Mr. Earl Skinner, 557 Rymal Road East, requesting that this Item be tabled to give him an opportunity to appear before the Committee and comment on the above-noted Zoning Application.

Alderman Merling informed the Committee that he recently met with Mr. Skinner, who expressed concern that his business would be adversely affected by this new development. Alderman Merling added that any problems with respect to the Zoning Application were resolved with Mr. Skinner and that the Committee should proceed with this Zoning Application.

Mr. Arthur Weisz, Rymal Square Developments Inc., appeared before the Committee and requested consideration of approval of the application.

Alderman Merling suggested that the Developer be requested to co-operate with adjoining property owners, and that their development be shielded against Mr. Skinner's property.

After much discussion, the Committee amended the staff recommendation to require a visual barrier between Mr. Skinner's property and the new development and the Committee approved the following amended recommendation:

- (A) That approval be given to amended Zoning Application 90-96, Rymal Square Developments, Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified, for property located on the north side of Rymal Road East and east of the Hydro Right-of-Way, as shown on the attached map marked as Appendix "E", on the following basis:
  - (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
  - (b) That the "RT-20" (Townhouse-Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:

- (i) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire northerly lot line;
  - (ii) That a minimum 3.0 m wide landscaped planting strip and a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the southerly and westerly side lot lines of the subject lands which adjoin the residential property municipally known as No. 557 Rymal Road East.
  - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1240, and the subject lands on Zoning District Maps E-27D and E-27E be notated S-1240;
  - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27D and E-27E for presentation to City Council;
  - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
  - (f) That the approved Butler Neighbourhood Plan be amended on the following basis:
    - (i) That the subject lands be redesignated from "Single and Double Residential" to "Attached Housing";
    - (ii) That the proposed road alignment, as indicated on Appendix "F", be deleted;
    - (iii) That the sixty-six foot wide walkway, as indicated on Appendix "F", across the Ontario Hydro Right-of-Way, be added to the Neighbourhood Plan;
  - (B) That the applicant submit an application to the Region for approval of a revision to the draft approved plan of subdivision (Rymal Square Estates 25T-89022) to bring the present draft approved subdivision plan into conformity with the recommended zoning.
  - (C) That the amending By-law not be forwarded for passage by City Council until the applicant has entered into an agreement with the City, to the satisfaction of the City Solicitor, for the contribution of the sum of \$10,000.00 to be made to the City for landscaping of City lands adjoining the northerly lot line of the applicant's lands.
16. City Initiative 91-B, for a modification to the "E-3" District regulations for properties at 109, 111 and 123 Charles Street and 122 and 124 MacNab Street South and a further modification to the "E-3" District regulations for 126 MacNab Street South; Durand Neighbourhood.

The Committee was in receipt of a report dated 1991 August 12, from the Commissioner of Planning and Development, respecting the above-noted matter.

The Committee was also in receipt of a letter of submission from Mr. E. Allen, 155 Park Street South, Apt. 412, expressing concerns that this Zoning Application would lead to further congestion on Park Street.



Reverent John Johnston, MacNab Street Presbyterian Church, appeared before the Committee to support the MacNab-Charles Heritage District Plan. However, Reverent Johnston raised a number of concerns respecting the inclusion of a Beauty Salon and Barbershop/Hairdresser in the Heritage District, and questioned whether the By-law could be amended to delete the same, and also to eliminate the display of books on the sidewalk by a local Book Store.

Mr. Ron Weinberger, appeared before the Committee representing a business affected by the Heritage District, and informed the Committee that the owner wishes to include a water-treatment centre in the District, and questioned whether this use would be permitted under the By-law. The Committee agreed that this use would fall under the Professional and Medical Offices use and would be permitted. After considerable discussion, the Committee amended the staff recommendation and approved the following:

- (A) That approval be given to Official Plan Amendment No. 102 to establish a Special Policy Area to permit limited commercial uses within the existing buildings, for properties located at 122-126 MacNab Street South and 109, 111, and 123 Charles Street and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (B) That approval be given to City Initiative 91-B for a modification to the established "E-3" (High Density Multiple Dwellings) District regulations, to permit limited commercial uses within the existing buildings, for properties located at 122-126 MacNab Street South and 109, 111, and 123 Charles Street, as shown on the attached map marked as Appendix "G", on the following basis:
  - (a) That By-law No. 87-29 be repealed in its entirety.
  - (b) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
    - (i) That notwithstanding Section 11C(1) of By-law No. 6593, the following commercial uses shall be permitted only within the buildings existing on the date of the passing of the By-law:
      - (1.) professional and medical offices;
      - (2.) art gallery;
      - (3.) book store;
      - (4.) opticians' offices;
      - (5.) optometrists' establishments; and,
      - (6.) photographer's or artist's studio.
    - (ii) That notwithstanding Section 11C(1) of By-law No. 6593, the following accessory use to the commercial uses referred to in subclause (i), shall be permitted:

One business identification sign that is a ground sign, wall sign or projecting sign that complies with all of the following requirements;

      - (a) The area of the sign shall not exceed 0.4 m<sup>2</sup>;

- (b) The sign shall be non-illuminated or illuminated by non-flashing, indirect, or interior means only;
- (c) No sign shall be situated less than 1.5 m from the nearest street line;
- (iii) That notwithstanding Section 18A, no required parking and no non-required parking shall be permitted in the front yard;
- (iv) That the outside display of goods or wares shall be prohibited for commercial uses within the District.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1239, and that the subject lands on Zoning District Map W-5 be notated S-1239;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5 for presentation to City Council;
- (e) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 102 by the Regional Municipality of Hamilton-Wentworth; and,
- (f) That the approved Durand Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Commercial and Apartments - Heritage Conservation District".

17. Zoning Application 91-24, Bakado Enterprises, owner, for a change in zoning from "C" to "H" modified for property at 674 Upper James Street; Bonnington Neighbourhood.

The Committee was in receipt of a report dated 1991 August 12, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Joe Castalano and Mr. Frank DeLorenzas, agents for the owner, appeared before the Committee and requested consideration of approval of the Zoning Application to permit an orthopedic supply outlet within the existing dwelling.

Alderman Don Drury, informed the Committee that neighbours on both corners are in favour of the Zoning Application. After considerable discussion, the Committee did not approve staff's recommendation to deny the Zoning Application, however, recommended approval subject to the appropriate site plan control conditions as determined by the Commissioner of Planning and Development. The Committee approved the following:

- (A) That approval be given to Official Plan Amendment No. 101 to redesignate property located at 674 Upper James Street from "Residential" to "Commercial" and to establish a "Special Policy Area" to permit only an orthopedic supply store within the existing building, and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (B) That approval be given to Zoning Application 91-24, Bakado Enterprises, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, for property located at 674 Upper James Street, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements;
  - (i) Notwithstanding Section 14(1) of By-law No. 6593, only the following uses shall be permitted only within the building existing at the date of passing of this by-law.:
    - (1.) Residential Uses:
      - (a) Single-family dwelling;
      - (b) One dwelling unit in the same building with a permitted commercial use.
    - (2.) Commercial Use:
      - (a) Orthopedic supply store.
    - (3.) Accessory Use:
      - (a) A wall, ground or projecting sign that complies with the following requirements:
        - (i) no sign shall exceed 1.2 metres in vertical dimension or 2.2 metres in area; and,
        - (ii) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
  - (ii) No extensions or enlargements of the building existing at the date of the passing of the By-law shall be permitted;
  - (iii) Notwithstanding Section 18A(1) of By-law No. 6593, the following parking requirements shall be provided and maintained:
    - (1.) one space for each dwelling unit;
    - (2.) one space for every 31 m<sup>2</sup> of floor area for all other permitted uses;
  - (iv) A landscaped strip not less than 1.5 m in width shall be provided and maintained along the entire westerly lot line where the building has been converted to a commercial use;
  - (v) A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line where the building has been converted to a commercial use;



- (vi) All lighting facilities at the rear of the property shall be so installed and maintained as to ensure that the light is deflected away from all adjacent residential uses;
- (vii) In the event that the existing building is destroyed or demolished, it may be replaced only by a building having the same external dimensions as the building which it replaces and the replacement building shall not have more than two storeys plus a basement.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1241, and the subject lands on Zoning District Map W-8 be notated S-1241;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-8 for presentation to City Council;
- (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 101 by the Regional Municipality of Hamilton-Wentworth;
- (C) That Schedule "A" to By-law No. 79-275, as amended by By-law No. 87-223, respecting Site Plan Control, be further amended by adding the subject lands.
- (D) That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan.

18. **Zoning Application 90-74, A. Biggs, owner, for a modification to the "D" District regulations for property at 49 Holly Avenue; Industrial Sector "E".**

The Committee was in receipt of a report dated 1991 August 2, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Mr. & Mrs. Biggs, owners, 49 Holly Avenue, appeared before the Committee and informed the Committee that they have applied for this Zoning change to permit a two-family dwelling so that their daughter and son-in-law could live in an apartment in their home. After some discussion, Alderman Wilson requested that this matter be tabled until the next meeting, in order to give him an opportunity to meet with the property owners to discuss this matter further. The Committee agreed and recommended the following:

That Zoning Application 90-74, requesting a modification in Zoning for 49 Holly Avenue, be tabled until the next meeting to give Alderman Wilson an opportunity to meet with the property owners.

19. **Proposed Allison Neighbourhood Plan.**

The Committee was in receipt of a report dated 1991 July 3, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. David Godley, Planning Department, made a presentation to the Committee and highlighted the proposed Allison Neighbourhood Plan. Mr. Godley added that the Planning Department has incorporated many of the comments made at the Public Meeting into the proposed plan.

At that moment, Alderman Drury assumed the Chair.

Mrs. Menscy, 94 Aldercrest, expressed her support for this Zoning proposal.

Mr. Logan, Planning Consultant, representing Mr. Jim Young, 1731-1735 Upper James Street, indicated that the use within the individual buildings in the areas should be secondary to the style of the area. Mr. Logan also added that he would like to see retail in this area.

Mr. John Parente, Solicitor, representing the owners of the undeveloped lands, informed the Committee that he submitted plans at an earlier Public Meeting which provided for a Park in a more centralized location. Mr. Parente also suggested that the bus turning-loop would better be located in the Cemetery area. Mr. Godley, Planning Department informed Mr. Parente that much discussion has taken place with the H.S.R. and it has been determined that the area indicated on the plans for the Park and the bus turning-loop would be the best location.

Mr. Hart, 6 Lister, appeared before the Committee and stated that he appreciated the Planning Department's response to the Public Meeting and supports the plans for the proposed area.

Alderman Gallagher and Alderman Merling, Aldermen for the Ward, indicated that they have worked with the Neighbourhood on this matter and hoped that the Committee would support this proposal unanimously.

After much discussion, the Committee approved the following recommendation:

- (a) That approval be given to Official Plan Amendment No. 100 to implement the Allison Neighbourhood Plan by redesignating lands located south of Rymal Road East, east of Upper James Street, from "Residential" to "Open Space" on Schedule "A" - Land Use Concept and by deleting Upper Wellington Street, (from Rymal Road to the City limits) from Schedule "F" - Major Roads, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That the proposed plan and policies for the Allison Neighbourhood, attached to the report and marked Appendix "I", be adopted by Council.

20. **Zoning Application 91-26, Rymal Square, owner, for a further modification to the "G-4" District regulations for property municipally known as 30 Rymal Road East; Allison Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 15, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Paul Mallard reported on the circularization of the Zoning Application and informed the Committee that 71 notices were mailed, 5 were received in favour and 9 were received in opposition.

Mr. Wannop, agent for Rymal Square, informed the Committee that this fast food restaurant would generate the same amount of traffic as the fast food restaurants proposed at 30 Rymal Road East, and circulated photographs that he had taken of the traffic situation in the area. Mr. Wannop also presented a letter of submission dated 1991 August 20, to the Secretary.

Mr. Manceni, applicant, informed the Committee that he has spoken with the area store owners and indicated that they seem to be in favour of this proposal.

Mr. John Davidson, 39 Ryckman, spoke in opposition to this Zoning Application and stated that the creation of a submarine shop and donut shop would cause even greater traffic congestion than the area presently has.

Mr. Norman Haze, 79 Lister Avenue, indicated that the area already has 2 donut shops and suggested that the Zoning Application be denied.

Janet MacLennen, 148 Rymal Road, indicated that traffic is a major concern and that 6 accidents have occurred in the past 3 months in this area.

After much discussion, the Committee approved the following recommendation:

That Zoning Application 91-26, Rymal Square, owner, requesting an Official Plan Amendment to delete Special Policy Area 46 and a further modification to the established "G-4" (Designed Neighbourhood Shopping Area) District regulations, to permit a submarine shop having a gross floor area of 120.8 m<sup>2</sup> (1,300 sq.ft.) and a donut shop having a gross floor area of 278.7 m<sup>2</sup> (3,000 sq.ft.) within the existing plaza, located at 30 Rymal Road East, as shown on the attached map marked as Appendix "J", be denied for the following reasons:

- (a) That it conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan which prohibit high traffic generating type uses (i.e. restaurants, place of assembly, etc.);
- (b) That it conflicts with established policy of the Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy; and,
- (c) That approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

#### **FINANCE AND ADMINISTRATION COMMITTEE**

10. **Residential Identification - Placement of Residence Numbers on Telephone/Hydro Poles.**

The Committee went back to Item 10, given that a representative of Hamilton Hydro was now in attendance to address this matter.

The Committee was in receipt of a report dated 1991 July 26, from the Secretary of the Finance and Administration Committee, respecting the above-noted matter.

The Committee was informed that the Finance and Administration Committee at its meeting held 1991 July 25, referred the request from the Taxi Advisory Committee to consider the placement of residence numbers on Hydro poles to the Planning and Development Committee.

Mr. Paul Brown, Hamilton Hydro, was requested to attend the Planning and Development Committee meeting to determine if this undertaking would be feasible. Mr. Brown indicated that at present only traffic signs are permitted on Hydro poles and that anything affixed to their poles would have to be approved by the Commission.

Mr. Roland Karl, Traffic Department, informed the Committee that Alderman Copps has already requested the Region's Engineering Services Committee to investigate the inclusion of house numbers on street signs.



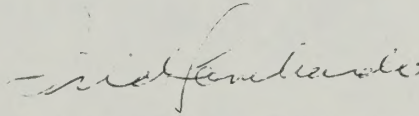
Questions were raised as to why this Item had been referred to the Planning and Development Committee and both the Committee and staff agreed that this Item falls under the jurisdiction of the Transport and Environment Committee and approved the following:

That the Transport and Environment Committee be requested to consider the placement of residence numbers on Hydro poles.

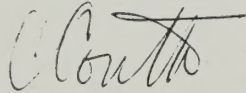
**ADJOURNMENT**

There be no further business, the meeting then adjourned.

Taken as read and approved,



**ALDERMAN FRED LOMBARDO, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE**



**C. J. Coutts  
Secretary  
1991 August 21**

The Commission has received information from the Department of the Interior, Bureau of Land Management, that the following lands are available for disposal:

1. A certain tract of land, situated in the County of ... State of ... containing ... acres, more or less, and being more particularly described as follows: ...

2. A certain tract of land, situated in the County of ... State of ... containing ... acres, more or less, and being more particularly described as follows: ...

3. A certain tract of land, situated in the County of ... State of ... containing ... acres, more or less, and being more particularly described as follows: ...

4. A certain tract of land, situated in the County of ... State of ... containing ... acres, more or less, and being more particularly described as follows: ...

5. A certain tract of land, situated in the County of ... State of ... containing ... acres, more or less, and being more particularly described as follows: ...

6. A certain tract of land, situated in the County of ... State of ... containing ... acres, more or less, and being more particularly described as follows: ...

### SECTION 2. AUTHORITY AND JURISDICTION

1. The Commission has the honor to acknowledge the receipt of the following letter from the Department of the Interior, Bureau of Land Management, dated ...

2. The Commission has the honor to acknowledge the receipt of the following letter from the Department of the Interior, Bureau of Land Management, dated ...

3. The Commission has the honor to acknowledge the receipt of the following letter from the Department of the Interior, Bureau of Land Management, dated ...

4. The Commission has the honor to acknowledge the receipt of the following letter from the Department of the Interior, Bureau of Land Management, dated ...

5. The Commission has the honor to acknowledge the receipt of the following letter from the Department of the Interior, Bureau of Land Management, dated ...

6. The Commission has the honor to acknowledge the receipt of the following letter from the Department of the Interior, Bureau of Land Management, dated ...





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